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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth periodic reports submitted by States parties
under articles 16 and 17 of the Covenant

Addendum

FINLAND* **

[22 July 1999]

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* The third periodic report concerning rights covered by articles 1 to 15 (E/1994/104/Add.7) was considered by the Committee on Economic, Social and Cultural Rights at its fifteenth session (see E/C.12/Sr.37, 38 and 40) in 1996.

** The information submitted by Finland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.59/Rev.2).

The appendices referred to in the present report are available for consultation in the Committee's secretariat.

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General

1. Finland's fourth periodic report concerning implementation of the International Covenant on Economic, Social and Cultural Rights covers the period from June 1995 to June 1999. The following reports have been submitted previously:

E/1978/8/Add.14	First periodic report on articles 6 to 9
E/1980/6/Add.11	First periodic report on articles 10 to 12
E/1984/3/Add.28	First periodic report on articles 13 to 15
E/1984/7/Add.14	Second periodic report on articles 6 to 9
E/1986/4/Add.4	Second periodic report on articles 10 to 12
E/1990/7/Add.1	Second periodic report on articles 13 to 15
E/1994/104/Add.7	Third periodic report on articles 1 to 15

2. An important legislative reform, made in Finland during the reporting period, was the fundamental rights reform in the context of which provisions relating to, among other things, the principal economic, social and cultural rights were incorporated into the Constitution of Finland. The reform, which was being debated in Parliament at the time when Finland submitted its third periodic report to the Human Rights Committee, has been discussed in more detail in the said report. It has also been dealt with in the answers to the additional questions brought up by the Committee on Economic, Social and Cultural Rights before the hearing of the report on 25 and 26 November 1996. In June 1999, these fundamental rights provisions were transferred nearly unaltered to the Constitution of Finland, to become effective on 1 March 2000. The provisions of the Constitution Act of Finland, and the fundamental rights provisions of the Constitution of Finland as well as the provisions concerning discrimination and labour discrimination included in the Penal Code (Penal Code, chapter 11, section 9, and chapter 47, section 3, 578/1995) are appended to this report in the form of texts of law (appendices 1, 2 and 3).

3. During the reporting period, the following international agreements, for example, have been enforced:

The Framework Convention for the Protection of National Minorities (Treaty Series 2/1998), the European Charter for Regional and Minority Languages (Treaty Series 23/1998), the Nordic Convention on Social Assistance and Social Services (Treaty Series 69/1996), the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (Treaty Series 29/1997) and the Second Additional Protocol Providing for the System of Collective Complaints of the European Social Charter (Treaty Series 76/1998).

Suggestions and recommendations of the Committee (E/C.12/Add.8; 5 December 1996)

4. In addition to what is said under the relevant articles below, the following is noted as regards the recommendations of the Committee:

5. (D 10; E 18) Human rights issues are one of the standard subject matters in judges' further training courses, and the special themes discussed during these courses have included, e.g., economic, social and cultural rights and the administration of justice. Since 1995, a separate fundamental and human rights section comprising the texts of the principal human rights agreements has been included in the Laws of Finland. Before that, international agreements binding on Finland were published only in a separate Treaty Series of the Statute Book. Thanks to this change, it has become easier for both civil servants and lawyers to take note in their work of human rights agreements which are a part of legislation applied in Finland and, furthermore, the agreements have become better known to the layman. In connection with the fundamental rights reform, provisions were enacted which concern the tasks of the Parliamentary Ombudsman and the Chancellor of Justice, with a special mention of their responsibility to ensure that the fundamental rights and human rights

provisions are complied with. The two highest guardians of law and order submit an account to Parliament, on an annual basis, in which a special section is devoted to the implementation in practice of fundamental and human rights.

6. (D 11; E 19) The so-called equality and low pay allowances, included in the income policy agreements for the years 1996 and 1998, were meant to narrow the gender pay gap. The Ministry of Labour participated in the preparation and follow-up of the Government's Equality Plan of Action, adopted in February 1997.

7. The Ministry of Labour has undertaken to develop the principle of gender mainstreaming in its own branch of the administration, particularly in its employment policy. The gender perspective is taken into account, for example, in the development of labour legislation, vocational guidance and projects related to the European Union (EU) structural funds. Women's entrepreneurship is supported in cooperation with branches of the administration.

8. (D 12; E 21) Post-depression economic growth has led to a steady reduction of unemployment as is stated under article 6 below. Lower youth unemployment has been one of the main labour policy objectives in the 1990s. As far as the immigrant population is concerned, one of the objectives of the Immigration and Asylum Policy Programme, adopted in 1997, is to offer job-orientation courses for immigrants.

9. Improved employment narrows pay differentials. On the other hand, changes in income transfers may have aggravated the position of households depending on such transfers. The range of income which provides entitlement to a housing allowance was expanded in 1998. At the same time, adjustments in the living allowance resulted in a corresponding deterioration in the economic position of households which need to resort to such assistance. However, the ultimate effects of the changes are contingent upon the future employment situation of those receiving the allowance.

10. The number of households depending on income transfers grew during the first half of the 1990s. Young persons and young parents with small children, in particular, were affected. The average income of the working-age population rose to pre-depression levels in the mid-1990s. On the income distribution chart, relative poverty refers to a situation where the disposable income of households is less than a half of the median disposable households. Based on such calculations, relative poverty did not increase in Finland in the early 1990s in spite of rising unemployment. But after the mid-1990s, more people fell below the relative poverty threshold. The favourable income development of the working population together with the improved employment situation raised the average income of households and, at the same time, lifted the threshold at which relative poverty is considered to begin. Many allowances that are important for the low-income groups were either cut or their index increments were removed. In 1996, approximately 2.9 per cent of Finnish households remained below the relative poverty line.

11. Over-indebted households are one of the groups which have suffered from income problems. Mass unemployment, entrepreneurial difficulties, fluctuations in the housing market and rising interest rates left many households with heavy debts in an intolerable situation. Statistical information of different kinds describing households' payment troubles show that there have been positive developments. The number of cases submitted for debt arrangement also started to fall during 1996 even before the Debt Arrangement Act was amended. When the debts and earnings of households are being compared, it becomes evident that the problem is becoming less acute.

12. The number of households receiving last-resort social assistance nearly doubled during the first half of the 1990s but, in 1997, the number of such households ceased to grow and even began to decrease. The grounds for granting last-resort social assistance are discussed under article 11, section 2 below.

13. The National Programme for Ageing Workers, which is designed to help ageing workers remain in the job market and to improve their employment prospects, is discussed under article 6, section 2b.

14. (D13; E 20) A tripartite Contracts of Employment Act Committee is preparing a proposal for the general reform of the Contracts of Employment Act.

15. (E 23) The Act on the Amendment of the Penal Code (563/1998) has been in force since January 1999. Amendments concern, among other things, sexual offences relating to child pornography and sexual abuse of children (Penal Code, chapter 17, sections 18, 19 and 20, and chapter 20). Further details of the reform were given in the second periodic report on the rights of the child, submitted in July 1998.

16. (E 24) In autumn 1999, vocational institutions will start to keep a detailed record and compile statistical data of individuals enrolled as students, providing useful information for those assessing the reason for drop-out. According to statistical information, nearly all Finns of school age complete comprehensive school. In 1998, less than one per cent of those completing comprehensive school (about 100 pupils) failed to pass the school-leaving tests. Marginalization can be prevented by means of effective student counselling.

17. A few studies have been made at the national level of the reasons why students fail to complete their schooling or studies. In studies focusing on the prevention of marginalization, the National Board of Education has analysed the reasons for failure to complete studies in vocational institutions and examined the support measures offered to drop-outs. In 1996 and 1998, the National Board of Education found that the most common reasons for not completing studies were unsatisfactory choice of education (16.1% - 54.5%), learning and studying difficulties (0% - 42.6%) and personal reasons (0% - 31.2%), which were mainly the same as the other reasons (0% - 35.5%). The study was made in 12 educational institutions in southern Finland, which is why the results are not representative of the whole country. The National Board of Education has, together with schools and municipalities, carried out several projects in an effort to reduce the drop-out rate.

18. The Ministry of Education has launched a project called Innovative Workshops in Vocational Institutions, subsidized by the EU Social Fund. The project aims at preventing continued marginalization and encourages students to complete their studies in order to acquire a basic vocational qualification. The Ministry of Education is trying to find out how to follow more effectively the drop-out development in vocational institutions.

Article 1

19. The status of the self-governing region of the Åland Islands and the amended Autonomy Act of Åland (1144/1991) were dealt with in the third periodic report. The historical grounds for the self-government of the Åland Islands lie in the need to maintain the cultural and other local traditions of the Swedish-speaking population of the region.

20. The self-governing status of the Åland Islands was specifically taken into account when Finland became a member of the European Union in 1995. In the Treaty establishing the European Community, a provision was recorded according to which Community agreements would not be applied to the Åland Island unless Finland notified otherwise upon ratification. The President of the Republic issued a notification to that effect after the issue had been dealt with, as appropriate, in the Åland Islands. Community provisions are applied to the Åland Islands as is provided in Protocol 2 to the accession document. Derogations relate to regional citizenship and concern, among other things, restrictions on the acquisition and ownership of real property and certain forms of indirect taxation.

21. The Sami are the only indigenous people in Finland. The majority of them live in the northernmost part of the country and, as a minority group, they have a clearly defined special status secured by legislation.

22. In connection with the fundamental rights reform, a provision was added to the Constitution Act of Finland (sect. 14, para. 3) according to which the Sami, as an indigenous people, shall have the right to maintain and develop their own language and culture. Similarly, the Constitution of Finland guarantees the Sami people the right to use their own language before the authorities as is prescribed by law. In conjunction with the ratification of the European Charter for Regional or Minority Languages, Finland specified the Sami language as one of the languages to be protected by agreement and to be developed accordingly. Furthermore, the government proposal relating to the Sami administration, mentioned in the previous report, has led to an amendment of the Constitution of Finland. According to the Constitution Act of Finland, section 51a (973/1995), the Sami indigenous people shall be guaranteed self-government in respect of their own language and culture in the Sami Homeland, as is provided by law. These constitutional provisions have been subsequently transferred to the Constitution of Finland. More detailed provisions on cultural autonomy are included in the Act on the Sami Thing (974/1995). The Sami Thing, which was established by law, replaced the Sami Parliament, an elected body representing the Sami people until then. It was further enacted that the authorities have to negotiate with the Sami Thing about all far-reaching and significant measures planned to take place in the Sami Homeland, relating to the issues mentioned in the law, which may, either directly or in a specific way, affect the status of the Sami as an indigenous people. A special grant is earmarked annually by the Government to be used for the promotion of Sami culture and the activities of Sami organizations. Based on the cultural autonomy of the Sami people, the grant is addressed to the Sami Thing.

23. The definition of a Sami, contained in the Act on the Sami Thing and used to determine who is entitled to vote when members are elected to a new Sami Thing, was extended during the parliamentary consideration of the act. The Government intended to expand the scope of the definition of Samis to cover not only those considered to be Samis on linguistic grounds but also persons who have one parent or forefather whose name and title as a mountain, forest or fishing Lapp had been entered in 1876 or later in the land register, tax collection books or the population register. However, the above-mentioned time-limit was removed in Parliament, which entitles a person with even older Sami forefathers to have his/her name in the register of voters electing the Sami Thing. The Sami Thing considered the extension unjustified and called for the reinstitution of the former linguistic definition of the Samis. The Ministry of Justice launched a legislative project to that effect, but decided to discontinue the project in August 1998 for the present because after negotiations with the Samis, on the one hand, and with others living in the region, on the other, it had become evident that the parties could not reach a satisfactory agreement on the direction and content of the reform. The decision to give up the project was also influenced by the fact that since the election of the Sami Thing was for the first time based on the provisions of the Act on the Sami Thing, no experience of such elections was yet available.

24. Even after that, the Sami Thing, in its opinion dated 7 October 1998, requested the reinstitution of the former linguistic definition of the Samis. The Commission against Racism, Xenophobia, Anti-Semitism and Intolerance, in its opinion dated 11 September 1998, also noted that the linguistic definition of the Samis should be pursued as an urgent issue. The Ministry of Justice is therefore following the run-up to the election of the Sami Thing and the elections themselves and will reconsider whether it is necessary to relaunch measures to amend legislation concerning the issue.

25. Finland has not yet been able to ratify the ILO Convention No. 169 related to indigenous peoples, recommended even by the UN Committee on the Elimination of Racial Discrimination in its statement dated 14 March 1996. The reason for this delay has been that the Finnish legislation in respect of land ownership rights has not been considered to be in harmony with the provisions of the Convention. The UN Committee on the Elimination of Racial Discrimination repeated its concern about the issue on 16 March 1999, and the UN Human Rights Committee also noted, on 8 April 1998, that the issue has not been settled. The Constitutional Law Committee of Parliament, to which the assessment was submitted by the Ministry of Justice and the Ministry of Labour in the spring 1996, has not given its statement. In his reply to a letter by the Sami Thing, the Deputy Chancellor of Justice proposed, on 10 December 1998, that the Ministry of

Justice consider whether it is now possible to take steps, in an appropriate and adequate manner, to start a clarification of the Sami people's title to land.

26. The Ministry of Justice, having consulted with representatives from different ministries and having consulted with the Sami Thing as is provided in the Act on the Sami Thing, section 9, has appointed a rapporteur to make a clarification, by 30 September 1999, about the possibility of making use in the Sami Homeland of land administered as State territory. The clarification has been considered to be essential on account of the fact that a number of diverging opinions have been expressed over the years on the rights in the Sami Homeland to land, water and natural resources, as well as to the traditional Sami sources of livelihood. The rapporteur is to find out, in particular: (i) how to safeguard the Sami people's right, in the Sami Homeland, to the exercise of the natural sources of livelihood pertaining to their culture, (ii) how to simultaneously secure the right of the rest of the local population to the exercise of their natural sources of livelihood, in accordance with the principle of equality, and (iii) whether the title to land situated in the Sami Homeland and administered as State territory can be based on a solution eliminating any activities which might prevent or disturb the exercise of traditional livelihoods in the Sami Homeland, except for a weighty reason. The clarification is also supported by the removal of obstacles to the ratification of the ILO convention concerning indigenous peoples. The rapporteur has to take into account the opinion of the Sami Thing, as well as representatives of local inhabitants, as considered appropriate. The rapporteur is not meant to influence the work undertaken by the Sami Thing to clarify the Sami people's title to land, water and natural resources. The Justice of the Supreme Administrative Court has been invited to act as rapporteur, and the Sami Thing has accepted him for the task.

27. The Sami Protocol to the Treaty establishing the European Community (Protocol No. 3) recognizes that the Sami people can be accorded the exclusive right to exercise reindeer husbandry if such a reform is desired at the national level. The European Council can, unanimously, at the Commission's proposal and having heard the views of the European Parliament and the Committee of Regions, make amendments to the Protocol which expand the scope of the Protocol so as to also apply to other traditional Sami livelihoods and related exclusive rights.

Article 2

28. One of the objectives of the fundamental rights reform was to complement the Constitution Act of Finland of 1919 so as to include more explicitly the human rights obligations which are binding on Finland. Thus the amended Constitution Act of Finland contains a general provision which prohibits discrimination (sect. 5, para. 2) and which, based on provisions on discrimination enshrined in human rights agreements, specifies certain forbidden grounds of discrimination. As is evident from the legislative drafts, the intention has been to prepare a general provision which prohibits all kinds of discrimination and which therefore covers what is termed as discrimination in paragraph 2 of the introductory part of this article. A similar provision was included in the Constitution of Finland in June 1999. In 1995, discrimination and work discrimination in a public office were included in the Penal Code as punishable acts (Penal Code, sect. 11, para. 9, and sect. 47, para. 3).

29. A decision in principle was made by the Government on 6 February 1997 concerning administrative measures to be taken in order to increase tolerance and prevent racism. The Government emphasizes, among other things, that not only the leadership and supervisory staff have the duty to take action in cases of racism, but every individual in a working community should be able to step in. This is intended to lower the threshold for intervenion in racist phenomena in State administration. Measures introduced in the various branches of administration have been described in the first report to the Council of Europe on the implementation of the Framework Convention for the Protection of National Minorities (article 6), submitted by Finland in February 1999 (appendix 4).

30. The Act on Equality between Women and Men (subsequently referred to as the Equality Act 609/1986; general reform 206/1995) prohibits direct or indirect discrimination on the basis of sex. As regards the Council for Equality and the authorities which supervise the implementation of the Equality Act, reference is made to the previous periodic report, because there is nothing new to report on the issue.

31. In addition, reference in made to the second periodic report on the rights of the child, articles 2 and 23.

Article 3

1. Changes in legislation

32. Section 5, paragraphs 2 and 4, of the Constitution Act of Finland guarantees equal rights to men and women. A separate provision on gender equality (sect. 5, para. 4) has been included in the Constitution of Finland despite the fact that the Equality Act, which came into force in 1987 (609/1986; appendix 5), as such fulfils the minimum standards of equality determined, e.g., in the Convention on the Elimination of All Forms of Discrimination against Women. In the Constitution of Finland, which will come into effect in 2000, the provision is included in section 6, paragraph 4.

33. Several amendments have been made to the new Equality Act (206/1995) which became effective on 1 March 1995. The amended act expressly prohibits both indirect discrimination and the placing of women on an unequal footing on account of pregnancy or childbirth. In addition, the authorities' and employers' duty to promote gender equality is underlined balanced participation of women and men in the decision-making process highlighted and the legal protection of the discriminated was intensified.

34. A restriction on the application of the Equality Act, relating to offices, posts and duties in the defence administration where military education is required, was abolished in 1995. Women were given the opportunity to apply for the said posts as voluntary military service was made possible for women (Act on Women's Voluntary Military Service 194/1995).

35. In order to make the authorities increasingly involved in the equality work, it was made binding on them to set specific targets and to make plans to advance gender equality by, in particular, making adjustments in conditions which prevent equality (206/1995). A quota provision was also included in the act, according to which both men and women must, as a rule, be represented on government committees, advisory committees and similar bodies as well as in municipal bodies (excluding elected local councils). The less represented sex should have a share of at least 40 per cent of the members. A balanced participation of men and women should be observed also in the leading or administrative bodies of companies in which the State or a municipality is the main owner. Based on decisions made by the highest guardians of law and order, it appears that these provisions have been considered to be conducive to increasing equality and that the specific reasons justifying derogations, referred to in the act, have been interpreted to the letter.

36. Labour discrimination, which also includes gender-specific discrimination, was criminalized by an amendment which became effective in 1995. Amendments to the Equality Act which influence working life are discussed under article 7 below.

2. Equality policy

37. The Government's Equality Programme (1997-1999) was finalized in February 1997. The Programme is premised on the Platform for Action for the Fourth World Conference on Women, adopted in August 1995. When the Programme was being prepared, statements were requested from, e.g., non-governmental organizations. A hearing of non-governmental organizations was arranged in November 1997.

38. The Equality Programme comprises 13 main sections and 30 projects. The most important of the themes is prevention of violence against women. Another major theme is mainstreaming, that is, promotion of equality by extending the equality dimension to the preparatory stage and all decision-making levels. The Programme underlines the importance of engagement in the promotion of equality and highlights expertise as one of the priority aspects. The rest of the Programme deals with the status of men, ways to reduce women's unemployment, training and education, the information society, the environment, decision-making, social security and health care policy.

39. A Follow-up Team, set up for the Equality Programme in May 1997, published its first follow-up report and submitted its suggestions for revision in February 1998.

40. Upon the initiative of the Council for Equality and in cooperation with Statistics Finland, an equality barometer was compiled in the autumn of 1998, which constitutes a part of the Equality Programme. The barometer gives an idea of Finnish women's and men's experiences of, in particular, human relations, working life and society. As far as is known, this extensive study, which is based on interviews charting experiences and attitudes relating to gender equality, is the only one of its kind in the world.

41. The Ministry of Education has started a mainstreaming project which is related to the Government's Equality Programme and focuses on youth and equality. The project is linked to a mainstreaming project dealing with gender equality, undertaken by the Nordic Council of Ministers. The project is divided into three segments: equality in national organizations, equality in regional and structural policy, and equality in the development of the immediate neighbourhood. The Arts Council of Finland has decided to specifically follow whether there is any gender bias in the distribution of grants in the field of culture.

Article 6

42. A provision concerning the right to employment and labour protection is included in section 15 of the Constitution Act of Finland. Section 13, paragraph 2, of the Constitution Act (sect. 16, para. 2, of the Constitution of Finland) guarantees the right to training in general and provides for the right to training which leads to employment.

1. International agreements

43. Finland has ratified all the Conventions referred to in the appropriate section of the Guidelines. Appended to the present report are the reports to ILO in 1995 and 1997 on the implementation of Convention No. 111 (appendices 6 and 7) and the reports in 1996 and 1998 on the implementation of Convention No. 122 (appendices 8 and 9).

2. (a) Employment

44. Thanks to the economic growth especially over the last couple of years, unemployment figures have dropped rapidly in tandem with the recovery of the labour-intensive domestic sector. At the end of 1998, the unemployment rate was 11.5 per cent (253,000 persons were unemployed), about 5 percentage points down from the highest unemployment figures in 1994. The rapid decrease in unemployment in Finland in the space of a few years reflects an extraordinary phenomenon occurring throughout the OECD.

45. According to the Ministry of Labour, a total of 170,000 new jobs have been created since 1995. In December 1998, the number of new vacancies advertised in the job centres was 13,000.

46. In Finland, part-time employment has become somewhat more common, even if it is still rare in comparison with elsewhere in Europe. The increase in part-time work can be partly explained by the popularity of partial retirement and the increase of part-timer allowances.

Table 1. The labour force, the employed, part-timers (1-29 hours per week), the unemployed, and the rate of unemployment in Finland in 1989, 1994, and 1998

Year	Labour force	The employed	Part-timers	The unemployed	Rate of unemployment (%)
1989	2 588 000	2 507 000	183 000	89 000	3.5
1994	2 463 000	2 504 000	174 000	456 000	18.4
1998	2 507 000	2 222 000	221 000	336 000	10.2

Source: Ministry of Labour statistics.

Table 2. Unemployed jobseekers by category in 1989, 1994 and 1998

Year	Unemployed jobseekers	Men	Women	Youth*	Long-term unemployed**
1989	96 000	49 900	46 800	22 200	6 400
1994	467 500	259 900	210 600	92 200	133 600
1998	372 431	190 183	182 248	46 861	112 612

* 15 to 24 years of age.
** Unemployment has lasted for more than a year.

47. Youth. The unemployment situation among young people has improved markedly from what it was in the first half of the decade. Things started to change at the beginning of 1997 when those aged under 25 were required to accept a job or a training placement or to register for a training course to be eligible for labour market subsidies. The annual student intake was increased simultaneously. More than half of those aged under 30 are studying, and a third of students have paid employment during term-time. Youth unemployment is still higher than unemployment in other categories. Among youth, hidden unemployment and under-employment are as common as unemployment. The spells of unemployment have become shorter but their share of long-term unemployment has remained stable. Workshops (about 350) for youth, established under EU financing, have helped many young persons to find a further education placement.

48. The long-term unemployed. The employment situation is the most difficult for the growing number of long-term unemployed (up from 51,330 in 1995 to 67,000 in 1998). A special National Programme for Ageing Workers (see 2(b) below) has been designed as a response to the situation. For the present, the programme has failed to bring any major improvements, because persons aged over 55 are still easily placed in the so-called unemployment pension channel.

49. Regional differences. Unemployment has not decreased at the same rate in the different parts of the country. Improvement has been most marked in the southern and western parts of Finland, where unemployment figures have, in some towns, dropped to nearly half of the previous figures; in some municipalities in the middle of Finland and in eastern Finland, unemployment has either remained unchanged or even grown.

2. (b) Objectives and means of labour policy

50. The Employment Act (275/1987) obliges the Government to promote a stable and regionally balanced economy and employment. The objective is to attain full employment, based on freedom of choice of employment and guaranteeing every citizen a reasonable living.

51. According to the Employment Act, jobseekers must primarily be offered work or a training placement, using the employment services which, based on the Employment Services Act, comprise employment exchange, vocational guidance, labour-market training, information on training and occupations, as well as vocational rehabilitation. Employment services may also include complementary services and topical or regionally appropriate projects undertaken in conjunction with these services. Mobility assistance is used to support regional and vocational mobility of workers. In case of failure to find a job for a person through intensified, individually targeted measures, he/she may be helped by means of employment appropriations.

52. More effective labour markets by means of pursuing an active labour policy. A new labour-policy system was introduced at the beginning of 1998, meant to be conducive to more effective labour markets and to prevent social exclusion of the unemployed. The system prioritizes individually targeted employment services and focuses on the quality of these services. In conjunction with the reform, the range of labour policy measures was supplemented by introducing, among other things, periodic interviews, charts of excellence, and jobhunting schemes. The principal objective of the reform is to shift the emphasis from passive to more active labour policy measures.

53. Reducing long-term and youth unemployment. In the 1990s, one central employment policy objective has been to reduce long-term and youth unemployment, which is why employment appropriations are targeted to improve especially the situation of the long-term unemployed and persons aged under 25.

54. To facilitate a person's return to working life after a long spell of unemployment, provision has been made for a jobhunting scheme, and a new, so-called combination benefit has been devised, payable for the period of employment. The combination benefit is principally intended to help the long-term unemployed find work in the so-called third sector. Furthermore, the long-term unemployed have been encouraged to seek training placements.

55. As from the start of 1996, a young unskilled person aged under 20 years has had to enter into suitable vocational training to qualify for labour-market benefits during unemployment. The benefit is payable in full for the period that the young person participates in a labour policy arrangement. From the beginning of 1997, the above-mentioned provision was made to apply to unskilled persons aged under 25. The annual student intake and the number of training and apprenticeship placements have been increased. Approximately 90 per cent of the young in Finland obtain a secondary school qualification.

56. Many municipalities have developed their social work and other auxiliary activities to support the employment efforts of persons dependent on a living allowance on account of unemployment. Based on the unemployed person's voluntary action and his/her own interests, work training, studies, or some other form of activity can be arranged for him/her. Young persons and students, in particular, have found that these measures have significantly improved their chances of gaining access to working life. Municipal social welfare offices are developing work in this area in cooperation with the labour authorities.

57. Increasing demand for manpower. The labour administration aims to improve the preconditions for economic growth and maintain viable places of employment by means of, e.g., supporting entrepreneurial activities which provide new employment opportunities. Another objective is to ensure that the special skills required in the labour market are available at short notice. The vocational skills and capabilities of those in

danger of becoming marginalized are strengthened by labour policy measures designed to help them to compete on an equal footing with others as they make their return to working life.

58. Supporting ageing workers in their efforts to remain employed. As the employment situation has improved, the young and, particularly, skilled young and adult persons now find it easier to find employment. For the older ones (aged over 45) who lost their jobs during the recession, it has been much harder to find work. In Finland, the average age of retirement is 59, which is among the lowest by international comparison.

59. Certain early-retirement schemes, devised in the 1980s, were used during the recession to make elderly workers retire from working life. One of these is the Unemployment Pension Scheme. An elderly person who had been unemployed for a longer period of time could be granted unemployment pension payable until he/she became eligible to receive the old-age pension. It is still difficult for the older unemployed of working age to find a place in working life. Their chances of becoming employed are hampered by their greater risk of getting ill, possible absences from work on account of illness and the increased employer obligations. Working life in the 1990s makes very great demands on employees because skills and knowledge need to be constantly updated; the pace of work has also stepped up. Insecure of the continuity of the employment relationship and of their own skills, some of the older workers have considered it a safer choice to move on to a daily unemployment allowance and, subsequently, to become pensioners. One of the adverse effects of the Unemployment Pension Scheme has been the fact that it has become easier for companies to make ageing workers redundant. Retirement has not always been based on the workers' voluntary choice.

60. In the case of age discrimination, the burden of proof is on the worker. It is therefore very difficult to substantiate labour discrimination, mentioned in chapter 47, section 3 of the Penal Code.

61. In 1997, the Government launched a five-year National Programme for Ageing Workers and set up a steering group with representatives from several ministries, the major employer and employee organizations, and pension and research institutes, to implement the required measures. The idea is to raise the average retirement age and to develop working life so that older workers would manage in working life until they become entitled to the statutory old-age pension, and that the unemployed who are aged over 45 years could still become employed. A number of studies have proved that middle-aged and older persons maintain a much better ability to learn new things and to adjust to changes in working life, and that they are more competent and possess higher professional skills than has been commonly believed. By developing and increasing the provision of training, older workers and unemployed persons are given a chance to update their knowledge and professional skills. Training is also arranged for several so-called key groups in working life, such as occupational safety and health authorities and persons working in occupational health services, the management of working communities, labour authorities and the staff of employment and economic development centres, as well as for education authorities and teachers in adult education institutions. Initially, the emphasis has been on information and communications. The idea is to try to alter prevailing conceptions concerning older workers towards greater appreciation of their contribution.

62. The principal responsibility for the initiation, follow-up and assessment of the National Programme for Ageing Workers was given to the labour market organizations and to the Ministry of Social Affairs and Health. The Ministry of Labour and the Ministry of Education were also given certain key responsibilities.

2. (c) The level of productiveness

63. Development Programme for Working Life. In 1995, the Government decided to launch a four-year national development programme for working life. The objectives were to increase productiveness in working life and to enhance the quality of working life by means of improved use of the workforce, accumulation of know-how and encouragement of innovative practices. These goals are pursued by means of

developing personnel resources and encouraging companies and public institutes to reorganize their work processes. The programme comprises some 280 different development projects and involves 450 places of work and 40,000 workers. The total budget for the period 1996-1999 is FIM 95 million. The development programme will continue until 2003.

64. Personnel Funds. The Act on Personnel Funds (814/1989) entered into force in January 1990. The funds are expected to improve cooperation within companies, encourage personnel to reach better results at work, and thus enhance companies' competitive capacity. A personnel fund is an organization which is set up and owned by the personnel of the company in question and which administers the profit bonus items received from the employer company as well as the profits obtained from investing the bonus items. A registered fund is an independent legal person with decision-making bodies of its own. At the end of 1998, 41 funds were in operation with about 94,000 employee members.

65. A government proposal on the amendment of the Act on Personnel Funds was adopted by Parliament on 12 March 1999. It is now equally possible to set up funds in civil service departments, State institutions and State-owned enterprises. The payment-by-results scheme used in the civil service departments and institutions will correspond to the profit bonus system required for the establishment of a personnel fund and performance-related pay would be considered similar to the bonus items described in the Act on Personnel Funds.

66. Productiveness programme. A national productiveness programme for the period 1996-1999, launched by the Economic Council, is under way in Finland. Its objective is to step up the productiveness of Finnish companies and other organizations and thus to contribute to Finland's international competitiveness, improve employment and help working communities to become more effective. The programme is backed by the Government, labour market organizations, municipalities and entrepreneurs. A total of 16 different developmental and research projects have been started, to be conducive to changes at work and in working communities, and to enhanced wellbeing and prosperity in working life. The present Government has decided to continue the national productiveness programme in the period 2000-2003 and earmark more resources for its purposes.

2. (d) Freedom of choice of employment

67. The citizens' fundamental rights also include the right to work and the freedom to choose employment (The Constitution Act, section 15; the Constitution of Finland, section 18). Based on the Constitution of Finland, all persons are entitled to secure their living through the work, occupation or trade of their choice.

68. For this freedom to materialize, certain factual preconditions have to be met, of course (including the existence of vacancies, the required diploma, experience and expertise, qualifications for public offices, etc.). The constitutional provision furthermore provides for the possibility of limiting this freedom by law. In accordance with the Aliens' Act (378/1991), foreign citizens need a work permit to be allowed to work in Finland (based on the European Economic Area (EEA) Agreement, this requirement does not apply to citizens of the Member States of the European Union (EU), and their family members). The Act on the Right to Practise a Trade, premised on the recognition of freedom of trade, provides for restrictions to that right, as in the case of licensed trades. The act gives an overall authorization to issue laws or decrees on the practice of trades specified in the act. In the past few years, legislation has been developed so as to reduce the number of trades which require a licence, and to upgrade the regulatory basis of trades from decrees to provisions laid down by law. Provisions relating to the protection of health and safety, however, are likely to remain subject to licensing.

69. The protection of personal freedom, included in section 6 of the Constitution Act of Finland, covers also the idea that work, as a rule, has to be based on voluntary choice. Exceptional cases include, among other things, normal prisoners' work, military or substitutive service, and duties relating to crisis situations.

2. (e) Technical and vocational training programmes

70. In accordance with the Act on Vocational Training (630/1998), the purpose of vocational training is to upgrade the vocational skills of workers in society and, especially by taking into account the needs of working life, to improve working life and promote employment. Basic vocational training is designed to give students the information and skills which are necessary for them to be able to practise a trade. Training is also meant to help students develop into good and balanced members of society, and to create preconditions for broad-based personal development and life-long learning.

71. Basic vocational education can be obtained at upper secondary schools and higher vocational education in polytechnics. Young persons and adults can enrol in basic vocational education, given in different fields, such as natural resources, engineering and traffic and communications, administration and trade, tourism, food and economics, social welfare and health care, culture, and leisure and physical training.

72. In 1997, a total of 153,500 students were enrolled in vocational training (upper secondary, college-level and vocational higher education). In 1996, the number of students was 166,000.

73. The promotion of gender equality is one of the educational objectives and, on the whole, is not a problem. The trouble is that education and therefore also the labour markets are still clearly divided into men's and women's fields. Segregation related to educational and career choices is prevented by broad-based counselling and information, by offering further and supplementary training for teachers, as well as by making structural improvements and developing the content of education. Efforts are being made to increase the number of women in education in fields like electronics engineering and engineering in general, in order to be able to meet the recruitment needs in those industries in future.

74. Based on the Act (763/1990) and Decree (912/1990) on Labour Market Training, labour-market training is provided to balance the demand and supply of manpower and to eliminate shortage of manpower. Labour-market training is mainly vocational training, bought by the labour administration from adult training centres, vocational institutions and other suppliers of training services. The labour administration determines the need for training, calls for tenders, buys the training and selects the students. The labour departments of the various Employment and Economic Development Centres in the country are in charge of the main part of the arrangements. As long as it is considered justified on labour-policy grounds or is otherwise possible, diploma-awarding or partial diploma-awarding training is chosen.

75. A person who has enrolled in labour-market training is entitled to both an allowance which corresponds to his/her daily unemployment benefit and a tax-free subsistence allowance.

	1995	1996	1997
Applications	192 530	224 932	256 494
Applicants	136 856	162 285	182 754
Actual students	93 086	118 521	134 325
Passed	72 678	103 640	122 004
Average number of students in training	33 900	42 300	46 800

76. On account of the recession and poor employment situation in the first half of the 1990s, the volume of labour-market training expanded dramatically during the decade. Even though the employment situation has gradually improved, there is still firm demand for labour-market training and it is difficult to enter training. In 1997, 52 per cent of applicants managed to get a training placement.

77. Labour-market training focuses on the unemployed. In order to prevent the long-term unemployed from becoming marginalized and to equip them for a possible return to working life, training has been increasingly offered to those with a long unemployment history, persons with disabilities and the ageing. In 1997, 19,900 of those who enrolled in labour-market training were long-term unemployed, representing 21 per cent of the unemployed in training. Slightly over 8,900 of those in labour-market training had some disability (in 1996, the corresponding figure was 7,200). The share of persons aged over 50 has risen markedly: in 1997, a total of 10,700 were over 50 years of age, compared to 6,900 in 1996.

78. Women's share of those in labour-market training in 1997 was 51 per cent, two percentage units up from the previous year. In order to advance equality and to eliminate the gender-based division of working life, employment office personnel are advised to pay particular attention to ways that would bring an end to such segregation. Efforts have been made to increase the number of women in fields traditionally occupied by men, e.g., by means of vocational guidance and labour-market training for adults. Women are encouraged to choose, for example, metal and electronic industries which are now suffering from skill shortages.

79. Based on a memorandum prepared by a working group focusing on the promotion of women's employment, set up in 1991 upon the initiative of the Ministry of Labour, the labour and education authorities established a joint working group to contribute to the carrying out of projects relating to education. Regional cooperation networks were then formed and, as a result of their endeavours, groups have been set up to activate unemployed women, career planning courses and skills advancement training for women have been launched, and projects relating to the employment of rural women and training for woman entrepreneurs have been started and pools set up to support woman entrepreneurs.

80. Training takes place as close to the workplace as possible; thus employers have a chance both to influence the content and planning of the training and also to take responsibility for carrying out of the process in cooperation with the training institutions. The aim is to expand and develop the on-the-job training model in the fields of recruitment (metal industries, electricity, information technology, building industries) to establish a more comprehensive and diploma-oriented training model.

81. Vocational training is referred to also in the reports submitted to ILO on Convention No. 122 in 1996 and 1998 (appendices 8 and 9).

2. (f) Difficulties encountered in attaining full employment

82. The loss of more than 400,000 jobs during the recession in the first half of the 1990s has caused problems in the organization of measures to promote employment. For example, the scope for vocational development in subsidized work depends largely on the supplier of the subsidized work. In many cases, it is hard to find an employer capable of offering work that would correspond to the jobseeker's individual developmental needs.

83. Efforts have been made to remove the problem by, among other things, making it binding for employers wishing to get the subsidy to contribute to developing the vocational skills of the person to be employed by, for example, providing on-the-job training.

3. (a) Prohibition of discrimination

84. Legislation relating to the prohibition of discrimination in working life was discussed in Finland's third periodic report to the Committee on Economic, Social and Cultural Rights. Equal treatment is required also in the Act on the Protection of the Service Relationship of Municipal Officials (484/1996), which became effective in 1996. Prohibition of discrimination is referred to also in the reports to ILO on Convention No. 111, submitted in 1995 and 1997 (appendices 6 and 7).

85. Based on the Government's Immigration and Asylum Policy Programme (decision-in-principle in 1997), a follow-up system concerning racism and ethnic discrimination is being developed in stages and will be completed during the year 2001.

86. The system's principal forms of operation will be: (i) cooperation between the authorities, including development of and participation in training relating to ethnic relations; (ii) integration of studies concerning attitudes, discrimination and victims into national research; (iii) development of cooperation between the authorities, immigrants, non-governmental organizations and the media; (iv) establishment of objectives which contribute to the official measures required to eliminate discrimination; and (v) accumulation and analysis of information and, in particular, legal and other counselling for those who have become the subjects of racism and discrimination.

87. Several research projects relating to discrimination have been launched upon the initiative of the steering group of the follow-up system, among them an extensive study on the Finns' attitudes towards minorities and immigrants, to be completed in June 1999, and a study on ethnic labour discrimination and its manifestation, expected to be ready in the autumn 1999.

88. In its new programme, dated 13 April 1999, the Government is paying increasing attention to anti-discrimination measures.

89. Gender equality. In 1998, women's proportion of the working-age population (aged 15-64) was 50 per cent, of the labour force, 47 per cent of the employed, 50 per cent of the unemployed, and 55 per cent of all non-employed. Thus the general indicators describing differences between men and women are "equal", that is, women represent about half of all groups.

90. The widest difference between the genders (about 5%) is in the population group outside the labour force. During the recession, more men than women fell into this group. The recession hit the male-dominated industries first and men's unemployment grew relatively fast. Men's unemployment reached a peak in 1993-1994, when it was less than 5 per cent higher than that of women. When the recession started to slow down, the first clear signs of economic growth showed in men's improved employment as industrial output began to increase. The employment situation of men has improved more rapidly than that of women, which is why the unemployment rate for women is for the present slightly higher than that for men. In 1996, the proportion of unemployed women for the first time exceeded the unemployment rate for men.

91. In the period 1994-1998, the number of men in employment increased by well over 115,000 and the number of women by only some 52,000. Of the new jobs created after 1994, only slightly over a quarter have gone to women. In 1998, the number of persons aged 15 to 64 outside the labour force had since 1990 by 80,000 women and 97,000 men.

92. Of all wage and salary earners, 81 per cent of men and 70 per cent of women were in continued full-time employment in 1997. Slightly more than 3 per cent of men and 9 per cent of women had regular part-time employment; 15 per cent of men and 21 per cent of women were in temporary employment and, of these, 17 per cent of men and 27 per cent of women were temporary part-timers. Of all wage and salary earners, 15 per cent were part-timers; less than 6 per cent of male workers worked part-time.

93. The source of the above statistics is the labour statistics database of the Office of the Equality Ombudsman and the Council of Equality.

3. (b) Training for special groups

94. The principle according to which all citizens are equal has not been considered to be in conflict with the fact that special steps have been deemed appropriate in order to advance the employment prospects of certain special groups (such as immigrants, the Romanies and the Samis).

95. The Programme for Immigration and Refugee Policy, adopted by the Government in 1997, specifies the objectives of adult education as follows: all adult immigrants have access to orientation courses on Finnish society and working life, if required, and, as appropriate, to basic and further vocational training. Training for immigrants is organized and financed as part of labour-market training for adults.

96. In 1997, the number of aliens in labour-market training was 10,000, that is, 8 per cent higher than in the previous year. The relative proportion of aliens enrolled in such courses was 9 per cent and a hundred different nationalities were represented.

97. In September 1998, a total of 61,500 aliens of working age were living in Finland, of whom about 34,000 (55%) in paid employment. As far as the unemployment rate is concerned, is to be noted that some of the aliens registered as unemployed are attending job-orientation courses organized by the labour administration and are, therefore, not yet available for the labour market. Aliens' unemployment is also primarily dependent on the general economic situation: the lower the unemployment rate the easier also for aliens to find employment.

98. To meet the special needs of the Romani population, training programmes have been devised to promote their employment in occupations traditionally pursued by Romanies and to upgrade their vocational skills. For Romani youth who have not completed comprehensive school, general complementary education is arranged. In the framework of the so-called Romanko Project, continuing until the year 2000, training programmes are being planned to improve the Romanies' employment prospects.

99. Statistical information based on ethnic origin is not available in Finland, which is why it is not possible to give accurate details of the number of Romanies applying for training. On an annual basis, the number of participants has been about 100 to 200 Romanies. Many Romani women who have attended a course have found employment in nursing and restaurants.

100. In the Employment and Economic Development Centre of Lapland, services are available also in the Sami language. In addition to the traditional labour exchange services, the labour administration purchases employment training and combination courses from the vocational course centre of the Sami Homeland located in Inari. The course centre offers training which often involves studies in the Sami language and the traditional Sami occupations, such as reindeer husbandry and handicrafts. Based on a Nordic cooperation agreement concerning vocational rehabilitation and employment training, the Samis have been able to participate in employment training also in Sweden and Norway. The Sami population in Finland is estimated to amount to 7,000 persons.

3. (c) Derogations to the prohibition of discrimination

101. In public administration, certain posts related either to State security or the judicial system require Finnish citizenship and full proficiency in the Finnish language. Furthermore, municipal service employment, particularly in health care and education, calls for a good practical command of Finnish. Since Finnish is hard to learn, this requirement may constitute a barrier to obtaining certain posts. However, these posts represent an extremely small proportion of the entire labour market and their significance is thus marginal in this respect. In accordance with the Constitution of Finland, the number of offices which require Finnish citizenship will be reduced markedly in the future.

4. Employees holding more than one full-time job

102. Statistical information is not compiled in Finland on persons holding more than one full-time job.

5. Other changes in legislation

103. The main provisions concerning the management of employment are contained in the Employment Act (275/1987) and its subsequent amendments (during the reporting period, 1326/1996, 756/1997, 1081/1997, 1355/1997) and the Employment Decree (1363/1997) with its subsequent amendments (1663/1995 and 425/1998).

104. When the Employment Act was amended, provisions relating to an employment plan were deleted. The Employment Services Act (1353/1997), on the other hand, contains provisions on jobhunting schemes and also on cooperation with unemployed jobhunters.

105. During the reporting period, the objective of giving employment to persons aged over 55, that is, born in 1942 or after, was restored in the Employment Act (1329/1996). The objective is premised on the fact that, based on provisions valid before 1997, such a person would have qualified for unemployment benefit until aged 60. Persons who meet this criterion are primarily entitled to enrol in training or to receive rehabilitation to promote their employment. If no suitable training can be arranged, the person's municipality of residence has to make arrangements to provide an opportunity to work for 10 months.

Article 7

106. A provision which safeguards the principle of equal pay for equal work is included in the Constitution of Finland (sect. 5, paras. 2 and 4 of the Constitution Act of Finland). As far as the rights determined in this article are concerned, reference is made to section 15 of the Constitution Act.

1. ILO conventions ratified by Finland

107. Finland has ratified the following ILO Conventions mentioned in the appropriate section of the Guidelines:

Equal Remuneration Convention, 1951 (No. 100)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Labour Inspection Convention, 1947 (No. 81)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Occupational Safety and Health Convention, 1981 (No. 155)

2. (a) Determination of wages and salaries

108. In Finland, an employee's wage or salary is fixed on the basis of a contract of employment or a collective agreement. The Contracts of Employment Act (320/1970) is a general act containing the central provisions relating to the employment relationship, binding on the employer and the employee. An employer bound by a collective agreement is, under the Collective Agreement Act (436/1946), obliged to observe the collective agreement with respect to all employment relationships independent of whether the employees are or are not bound by the collective agreement, unless the scope of the agreement has been limited to apply only to those bound by it. If a contract of employment is, in some respects, inconsistent with the collective agreement observed in the employment relationship, the appropriate provisions of the collective agreement are complied with. In the public sector, salaries are determined on the basis of collective agreements on civil service salaries.

109. A provision is included in the Contracts of Employment Act on the general validity of the collective agreement, according to which the employer has to comply with at least the terms and conditions concerning remuneration and other aspects of employment that have been agreed upon in a national collective agreement in the industry in respect of the work in question or other closely comparable work. The minimum level of the terms and conditions concerning remuneration and other aspects of employment is thus dependent on a collective agreement with general validity, provided such an agreement exists. This is to guarantee similar emoluments and the same level of employment security to both unionized and non-union labour. If the employer is not bound by any collective agreement (there is no collective agreement in the industry or the collective agreement has not general validity), the employer and the employee are free to agree jointly on the terms and conditions concerning remuneration. The Contracts of Employment Act implies that work must be compensated by payment of a standard and fair remuneration.

110. There is no competent authority in Finland to determine which collective agreement is to be generally valid. Compliance with the generally valid collective agreements is observed by the occupational safety and health administration, subject to the Ministry of Social Affairs and Health, which, on request, issues normative statements on questions concerning the general validity of collective agreements.

2. (b) Fixing minimum wages and guaranteeing their level

111. The criteria on the basis of which minimum wages are fixed. Interest groups formed by the employer and employee associations constitute the employer and employee associations' central organizations, which negotiate the so-called skeleton agreements on which collective agreements in the various industries are based. A collective agreement on wages and salaries is concluded between a single employer association or employer and an employee association. The skeleton agreements are usually part of a general incomes policy agreement which applies not only to wages and salaries but also to issues which are important for the social and economic welfare of employees.

112. The Committee on Economic, Social and Cultural Rights has recommended consideration of the introduction of a general minimum wage system which would also cover employees who are not protected by collective agreements. A Tripartite Contracts of Employment Act Committee is preparing a proposal for a general reform of the Contracts of Employment Act. The legislative Committee has also been asked to clarify the system under which the minimum terms of employment relationships are determined.

113. The development of average and minimum wages. There is no single generally applicable minimum wage in Finland, and statistical data are therefore not available. The minimum pay levels to be applied in an industry are determined in the respective collective agreement.

114. The following table is based on average wage levels:

Nominal wage index		Consumer price index		Real wage index	
1989	135.7	1989	120.0	1989	113.1
1994	165.0	1994	140.4	1994	117.5
1998*	189.6	1998	146.4	1998*	129.5

* Preliminary information based on the first three quarters of the year, provided by Statistics Finland.

The real wage index describes the development of average wage levels in relation to the development of the cost of living.

115. Reference is made to the report on unratified ILO conventions (Nos. 26, 99 and 131) and recommendations (Nos. 30, 89 and 135) pertaining to these conventions, submitted in 1991, which is appended to the present report and which includes a description of the fixing of minimum pay (appendix 10). No reports have been submitted on the issue after 1991.

2. (c) The principle of equal pay for the same work or work of equal value

116. No major changes have taken place during the past few years in the pay differentials between women and men. Based on statistics from the year 1997, obtained from Statistics Finland, women's gross earnings in the State sector were 78 per cent of men's earnings. About half of women earned less than Fmk 9,200 a month, while men's monthly earnings were nearly Fmk 12,000. About 39 per cent of women were in wage categories ranging from Fmk 6,000 to Fmk 9,000 and 57 per cent of men to wage categories ranging from Fmk 7,000 to Fmk 13,000. (Salaries of government employees in 1997, Statistics Finland, Wages and salaries 1998:12).

117. In the municipal sector, corresponding data show that men's average gross earnings were Fmk 13,198, compared to Fmk 10,094 for women. The municipal sector is dominated by women, the proportion of men being only about 21 per cent of full-time municipal employees. Pay development from the 1970s onwards proves that the gender pay gap has been reduced. In the municipal sector as a whole, it appears that the pay differentials between women and men are still large. However, more detailed study of the figures shows that the differences are actually small, and that there are also occupations where men's average earnings are lower than those of women. Based on an overall examination of the municipal sector, there seem to be male-dominated occupations with better remuneration and female-dominated occupations with lower pay. (Salaries in the municipal sector 1997, the Statistics Finland, Wages and salaries 1998:12).

118. Appended to the present report are statistical data showing the pay differential among all wage and salary earners in 1990-1998 (appendices 18 and 19). The data are based on the earnings level index and income distribution statistics, obtained from Statistics Finland.

119. Based on the incomes policy agreement concluded in 1997, a monitoring group was set up to evaluate the requirements for work. As a means to advance the principle of equal pay for the same work or work of equal value, the group has recommended the introduction of analytical job evaluation schemes to be used to assess job requirements. The monitoring group has compiled a guidebook (its English translation is entitled "From illusion to the real world") for developing job evaluation schemes. The gender dimension is included in the guidebook as an overall theme, related to both the criteria and evaluation process of the scheme. One of the tasks of the monitoring group is to find out what significance different pay components have when the grounds of fair pay are determined.

120. The central labour market organizations are continuing to find out how to eliminate unjust pay differentials. A developmental project, called Equal Working Community, has been launched in nine companies representing different branches of business. The purpose is to advance equality in workplaces by means of learning through experience.

121. As for the measures agreed upon in the incomes policy agreement of 1997 concerning the promotion of gender equality, reference is made to the report on ILO Convention No. 100, submitted in 1998 (appendix 11). Court rulings are also discussed in that report.

2. (d) Distribution of earnings between public sector and private sector employees

122. Statistics on average earnings by sector and employees' monthly earnings by sector are appended to the present report (appendix 20).

3. Occupational safety and health regulations

123. Occupational safety and health administration with its support services was transferred, on 1 April 1997, from the Ministry of Labour to the Ministry of Social Affairs and Health. The reorganization was carried out in order to place all issues relating to safety and health at work under one umbrella administration.

124. Amendments concerning the Labour Protection Act and the Act on the Supervision of Labour Protection as well as the Act on Appeal Procedure in Matters concerning Labour Protection, required by the EEA Agreement, became effective at the beginning of 1994. The changes, which relate to the programme of action for labour protection and cooperation in labour protection, certain risk factors and product supervision, have been dealt with in detail in the report to ILO on Convention No.155, submitted in 1993. The scope of application of the above-mentioned acts was simultaneously expanded. Provisions were included on hired workers, and provisions concerning building work were revised by imposing labour protection obligations on the builder and by bringing individual workers under the Labour Protection Act.

125. When the Labour Protection Act was amended on 1 June 1997, employers were obliged to pay attention to the need for breaks, especially in work which puts much strain on employees and requires staying at one place. Beginning from January 1998, a provision became effective according to which the employees' ageing must be taken into account in decisions concerning labour protection measures. The employer's programme of action for labour protection has to cover also measures which help maintain ability to work, as is stated in the plan of action compiled by the occupational health service for the workplace.

126. Since the beginning of 1995, it has been possible to agree on the forms of cooperation in labour protection at the local level also. Locally agreed cooperation must lead to the same level of labour protection as is achieved by cooperation organised according to the law or based on labour protection agreements concluded by central labour markets organizations.

127. A number of amendments concerning unconventional employment took effect on 1 February 1997. The Contracts of Employment Act, the Labour Protection Act and the Study Leave Act were amended to reduce insecurity in short-term and temporary employment relationships. Hired workers' labour protection was improved by expanding the responsibility of the party which hires workers. The latter is now obliged to guarantee a similar level of security for both hired workers and permanent employees. These changes were made in order to reduce insecurity in the so-called unconventional employments and to bring the legal position of persons holding unconventional posts closer to that of those in permanent employment.

4. Equal opportunities for career advancement

128. All employers should treat their employees equally without discriminating against any employee.

129. In connection with the fundamental rights reform, labour discrimination was criminalized by adding a relevant provision to that effect in the Penal Code (578/1995; sect. 47, para. 3). The Central Organization of Finnish Trade Unions (SAK) has paid attention to the fact that since the burden of proof in cases of labour discrimination is on the employee (unless the issue is one of sex discrimination), substantiation of discrimination is especially difficult when the right to career advancement is debated.

130. Reference is made to the reports on ILO Convention No. 111, submitted in 1995 and 1997 (appendices 6 and 7).

131. Measures taken by the Equality Ombudsman to promote equality have been discussed in the report on ILO Convention No. 100, submitted in 1998 (appendix 13). The report also includes reference to court rulings relating to equality. To supplement the information, it is noted that instructions concerning equality

planning were given by the Equality Ombudsman in 1996, covering not only the pay issue but also other questions relating to equality. In 1996, a special promotion project was launched by the Equality Ombudsman in an effort to improve equality plans, including, e.g., visits to several companies and some central labour market organizations. In conjunction with such visits, the Equality Ombudsman has normally held a press conference. In 1997, the Minister in charge of equality issues rewarded some work communities for their efforts to promote equality.

5. Regulations pertaining to working time, annual holidays and public holidays with pay

132. As the Hours of Work Act (605/1996) became effective in 1996, legislation concerning certain aspects of working time arrangements was made compatible with the relevant European Commission (EC) Directive of 23 November 1993. Another objective was to clarify and harmonize legislation pertaining to working life. The new act repealed the Act on Hours of Work in Commercial Establishments and in Offices, the Act on Hours of Work in Agriculture, the Hours of Work Act for Caretakers, and the main part of the Bakeries Act. The new act applies to employment relationships referred to in the Contracts of Employment Act and to work done by State civil servants and officeholders employed by municipalities, municipal federations, the Church and other public entities. The Hours of Work Act also applies to employment relationships based on apprenticeship training. For work done by persons aged under 18, the Act on the Protection of Young Workers applys.

133. According to a general provision of the act, regular working hours can be 8 hours a day or 40 hours a week at the most. Regular weekly working hours can also be arranged to amount to an average of 40 hours a week during a maximum of 52 weeks. Daily rest is excluded from the hours of work if the employee is free to leave the place of work without restriction. In periodic work, working hours can deviate from the main rule so that, within a period of three weeks, the regular hours of work amount to 120 hours at the most over a period of three weeks or, on a two-week basis, to a maximum of 80 hours. Employers must be permitted to have at least 35 hours' uninterrupted free time once a week, if possible including Sunday. In accordance with the Hours of Work Act, free time can also be 35 hours on average within a fortnight, provided that a minimum of 24 hours' rest in one week is allowed.

134. Employees in uninterrupted shift work can have free time for 35 hours on average within a period not exceeding 12 weeks. However, at least 24 hours' weekly rest is required. Provided that the technical circumstances or work arrangements call for a similar solution, the course of action is possible in case the employee gives his/her consent.

135. Special provisions on hours of work are included in, e.g., the Seamens' Hours of Work Act, the Act on Hours of Work in Inland Traffic, the Act on Hours of Work and Rest in Road Traffic, the Young Workers Act and the Act on Employment Relationships related to Housework.

136. In connection with the agreement on economic, employment and labour market policies for 1996-97, concluded in September 1995, the central labour market organizations set up a working group to find out what developmental needs relating to hours of work were recognized in companies and working communities and among their staff as well as what employment effects would ensue in the event that the required changes were carried out. The working group collected information about the solutions in use and examined the possibilities that various kinds of hours-of-work model offer to improve competitiveness and employment, and to help appreciate the employees' individual needs in that respect. A report on the findings was completed in June 1998; it is also available in English (Working Time Report, 1999).

137. The Confederation of Unions for Academic Professionals (AKAVA) has published its own labour market study, according to which its members' total hours of work have been 43 hours per week, on average, with considerable variation between the different sectors.

138. The Annual Holidays Act (272/1973) is applied to employers and employees referred to in the Contracts of Employment Act. According to the act, employees are entitled to two working days' holiday for each full holiday credit month. If, at the end of the holiday credit year preceding the holiday season, an employee has been continuously employed by the same employer for more than one year, he/she is entitled to two and a half working days' holiday for each full holiday credit month. Based on the Amendment of the Annual Holidays Act (460/1997), employees are entitled to annual holiday with pay even where the working relationship is based on six hours' work a day. A similar amendment has been made to the Seamen's Annual Holiday Act (433/1984).

139. At the beginning of 1999, a comprehensive reform of annual holidays was adopted in the municipal sector, providing for standardized grounds for annual holiday entitlement.

140. Legislation pertaining to annual holidays is discussed in more detail in the report on ILO Convention No. 132, submitted in 1994 (appendix 13).

141. As far as public holidays with pay are concerned, reference is made to the previous periodic report.

5. (a) Problems found in the application of provisions relating to hours of work and annual holidays

142. In cases of dispute, the employer has the prerogative to interpret the content and meaning of a clause of the contract of employment. The employee must comply with the employer's interpretation until the dispute has been settled. This principle may, in some cases, prevent an immediate implementation of the employee's rights.

5. (b) Employees falling outside the scope of the Hours of Work Act and the Annual Holidays Act

143. The Hours of Work Act (605/1996) establishes what kind of work falls outside the act's scope of application. Management of a company or a community (or an independent part of it) or comparable work is such work. The act does not apply to work in the Evangelical Lutheran Church, in the Orthodox Church nor to religious services performed in any other religious community. The Decree on Hours of Work in the Evangelical Lutheran Church (33/1998) provides that the Hours of Work Act does not apply to spiritual work in the Lutheran Church. The Hours of Work does not apply to work done at home or in similar conditions, nor to work referred to in the Act on Children's Day Care. Work done by the employer's family members, by civil servants in the Defence Administration (as a rule), and in certain trades in primary production also fall outside the scope of application of the act. These exceptional fields are normally covered by some other act covering the hours of work, which guarantees that working hours do not remain unregulated.

144. The Confederation of Unions for Academic Professionals (AKAVA) has paid attention to the fact that the limitation included in the Hours of Work Act concerning employees performing religious services differs, in principle, from the other limitations, because the qualifying aspects are based on the employees, not on the work. This leaves the clergy and cantors outside the scope of application of the Hours of Work Act, even though the main part of their work is other than performing religious services.

145. The Annual Holidays Act does not cover the family members of an employer in a business without other permanent employees or of an employer in agriculture. Neither does the act apply to an employee whose remuneration is paid solely in the form of a share of profits.

146. In short-term employment relationships, employees may be paid a holiday bonus in compensation for annual leave.

147. Employers are obliged to pay homeworkers a holiday bonus in compensation for annual leave.

6. Implementation of equality in working life

6. (a) Changes in legislation

148. In conjunction with the amendment of the Equality Act in 1995, the employer was obliged to promote gender equality systematically and in a target-oriented manner. In cases when at least 30 employees are on an employer's payroll, the latter has to lay down an annual programme of action on measures which promote equality. Equality planning is expected, e.g., to improve the working climate and balanced career development, contribute to improved recruitment methods and lead to more equal remuneration. Equality promotion is carried out in different ways in different workplaces. Factors which influence what measures are taken include the resources at the employer's disposal and other concrete aspects pertaining to the place of work and the sector in question (size and financial resources of the working community, supply of labour and professional skills of the applicants, etc.)

149. When the Equality Act was amended, jobseekers' and employees' chances of obtaining a clarification of the grounds for the employer's actions were improved by extending the employer's obligations to cover possible cases of wage discrimination. The employer has to provide a clarification of the grounds of an employee's wage or salary and other information on the employee, on request, to be used as a foundation for assessing whether infringement of the prohibition of wage discrimination has taken place.

150. Other statutory obligations for the employer include measures to help reconcile work and family life for both men and women. The employer also has to protect employees, as far as practicable, from sexual interference or harassment in the workplace.

151. Changes in labour protection administration and occupational safety have been dealt with in the reports on compliance with ILO Convention No. 81, submitted in 1995 and 1997 (appendices 11 and 12) and in the reports on Convention No. 129 in 1996 and 1998 (appendices 14 and 15).

Article 8

1. International agreements

152. Finland has ratified all the Conventions referred to in the appropriate section of the guidelines.

2. (a-b) Freedom of association in trade or professional associations

153. Section 10a, paragraph 2, of the Constitution Act of Finland specifically guarantees constitutional freedom of association in trade or professional associations. The above-mentioned paragraph includes a special provision elaborating the general clause on the freedom of association, with a mention of the freedom of association in trade or professional associations as a part of the right to form associations. Furthermore, negative freedom of association, that is, the right to refrain from joining an association or to resign from one, was also secured in connection with the fundamental rights reform. A similar provision is contained in the Constitution of Finland, section 13.

154. Violation of employees' freedom of organization is criminalized in the Penal Code, chapter 47, section 5 (578/1995). In chapter 47, section 3, discrimination on account of occupational activity as defined as representing occupational discrimination that is subject to punishment.

155. Employees' right to organize has been dealt with in the reports submitted in 1994, 1996 and 1998 on compliance with ILO Convention No. 87 (appendices 23, 24 and 25).

2. (c) Restrictions upon the exercise of the right of trade unions to join international organizations

156. Employer and employee associations are free to form national confederations. Finnish legislation does not prevent such associations from joining similar international organizations.

2. (d) Restrictions upon the activities of trade unions and promotion of collective bargaining procedures

157. Trade unions are registered organizations, subject to the Associations Act, which oversee wage and salary earners' interests.

158. Either an employer or a registered employer association represents the employer when a collective agreement is negotiated. On the employee side, only a registered association can be a party. In addition, associations qualify to negotiate collective agreements provided that one of their main functions is to oversee either the employers' or the employees' interests in working relationships.

159. The parties to a collective agreement must be entitled to agree freely between themselves on any necessary conditions of work, within the statutory competence of the party to the agreement. Collective bargaining belongs essentially to the "territory" of organizations, but the Government plays a significant role as the employer of its own personnel. In addition, the Government is obliged to maintain mechanisms which guarantee industrial peace, effective compliance with collective agreements, and settlement of disputes arising from such agreements.

160. Reference is made to the reports on compliance with ILO Convention No. 87 submitted in 1994, 1996 and 1998 (appendices 23, 24 and 25) and Convention No. 151, submitted in 1991 and 1993 (appendices 26 and 27).

2. (e) Trade union statistics and membership figures

161. The largest central trade union in Finland, the Central Organization of Finnish Trade Unions (SAK), comprises 26 trade unions with a total of 1,083,200 members (31 December 1998). Close to half of the members belong to industrial unions, less than a third to associations in the public sector, and about a quarter work in the private service sector.

162. The Finnish Confederation of Salaried Employees (STTK) has 653,450 members (1 January 1999). Of them, 95 300 persons work in the municipal sector 176,200 in the mainly municipal health care sector, 136,300 in industries, 88,000 in State functions, 80 600 in the service sector and 62,050 in special trades.

163. The Confederation of Unions for Academic Professionals in Finland (AKAVA) comprises 32 member unions and has a total of 347,000 members (1 January 1998). Of its members with a full-time job, 17 per cent are State-employed, 40 per cent are employed by municipalities, 39 per cent work in the private sector, and 4 per cent are employed elsewhere.

164. Twenty-seven trade unions operate outside the above-mentioned central trade unions.

165. State, municipality, municipal federation and parish employers and employees have bodies of their own, respective, to attend to their collective bargaining agreements.

3. The right to strike

166. In Finland, the freedom of industrial action is one of the fundamental premises and principles of labour legislation. Both parties are free to resort to certain pressurizing measures, such as a strike or a walkout.

3. (a) Restrictions upon the exercise of the right to strike

167. The Collective Agreement Act includes provisions on the duty to maintain industrial peace. According to the act, parties bound by a collective agreement are obliged to avoid all industrial action directed against the collective agreement as a whole or any of its provisions. Parties bound by a collective agreement must also ensure that individual associations, employers and employees subordinate to them and bound by the agreement respect the duty to maintain industrial peace.

168. Reference is made to the reports on compliance with ILO Convention No. 87, submitted in 1994, 1996 and 1998, (appendices 23, 24 and 25), and Convention No. 151, submitted in 1991 and 1993 (appendices 26 and 27).

3. (b) Prohibition of the exercise of the right to strike by certain individuals

169. Reference is made to the reports, submitted in 1994, 1996 and 1998, on compliance with ILO Convention No. 87 (appendices 23, 24 and 25) and Convention No. 151, submitted in 1991 and 1993 (appendices 26 and 27).

4. Restrictions concerning army or police personnel or state civil servants

170. State civil servants bound by a collective agreement for State civil servants are not permitted, during the period of validity of the agreement, to take part in collective action which concerns the legitimacy, period of validity, or correct content of the agreement. Neither is collective action to settle a dispute arising from a demand based on the agreement, to change a valid agreement or to negotiate a new agreement permitted. The scope of the obligation to maintain industrial peace may be extended by a collective agreement for state civil servants.

171. In accordance with the Collective Agreement for State Civil Servants Act, a strike is prohibited when it is used to influence matters other than those included in the act and negotiable under agreement, as well as when the act contains a specific provision regarding strikes. The prohibition also applies to matters other than those negotiable under agreement when a main agreement or a general agreement can be concluded.

172. The scheduled date of a walkout can be deferred either by agreement between the parties to the dispute or on the initiative of the arbitrator or arbitration board by decision of the Ministry of Labour. The Ministry of Labour can defer contract-of-employment disputes by 14 days and State employment disputes by an additional seven days, provided that the scheduled walkout or its intensification is considered to be directed at vital functions of society or to cause serious harm to the public interest.

173. Reference is made to the reports on compliance with ILO Convention No. 87, submitted in 1994, 1996 and 1998, (appendices 23, 24 and 25) and Convention No. 151, submitted in 1991 and 1993 (appendices 26 and 27).

Article 9

1. ILO conventions ratified by Finland

174. Finland has ratified all the ILO conventions referred to in the appropriate section of the guidelines and submitted its latest periodic reports as follows: a report on Convention No. 102 in 1996, on Convention No. 121 in 1993, on Convention No. 128 in 1996, on Convention No. 130 in 1998 and on Convention No. 168 in 1998 (appendices 28-31).

2. Social security

175. The Ministry of Social Affairs and Health publication Trends in Social Protection 1998 – 1999 (Sosiaaliturvan suuntaukset 1998-99) is appended to this report (appendix 32).

2. (a) Health care

176. Reference is made to the report on ILO convention No. 130 submitted in 1998 (appendix 30).

177. As has been described in the previous periodic report, everyone who lives in Finland is entitled to receive primary health care in his/her municipality of residence. Health care also covers rehabilitation. Employers are under the obligation to organize occupational health services, which may also include the services of a physician.

178. As of 1 May 1997, the bed-day fee for short-term in-patient care in a psychiatric unit was lowered from Fmk 125 to Fmk 70, because many psychiatric patients had to resort to social assistance in order to pay their fees. Apart from that, fees charged at municipal health centres and hospitals have remained unchanged during the reporting period.

179. In some rare cases, health care charges have caused an unreasonable financial burden for the patient. Such cases have occurred, e.g., among low-income patients in institutional care. If the patient is unable to shoulder the fees, the municipality can lower the amount of the fee charged. Statistical information on health centre visits is provided in appendix 30.

180. Some changes have taken place in the health care sector during the reporting period. Patients have been transferred from institutional care to out-patient wards. As the economic situation has improved, the use of private health care services has increased. At the same time, the number of patients in need of health services provided by the public sector has increased, which is probably partly due to the ageing of the population. The waiting time for surgical treatment has shortened in general but, in some branches, the queues are even longer than before.

181. Dental care is provided both at municipal health centres and in the private sector. For persons under the age of 19, basic dental care is given free of charge in health centres. Otherwise priority is given to those born after 1956, war veterans and pregnant women. Other population groups are given dental care resources permitting. The situation varies widely between municipalities.

182. The private sector is free to determine its own fees. However, expenses arising from the services of a private dentist are partly reimbursable under the national health insurance. University students can, against an annual payment, use the services of a health-care organization of their own, which provides services at a lower cost than the private sector.

Table 1. Dental care expenditure in 1995

Expenditure	Fmk million
At municipal health centres	1 232
In the private sector	
Refundable by health insurance	318
Not refundable	981
Prosthodontics	219
Students' Health Service	40
Total	2 789

183. Health care is primarily financed by taxation. Municipalities have a taxing right. The Government participates in municipal expenditure by paying State subsidies to municipalities. The State subsidy is based on such general criteria as population, age structure, population density, etc.

184. On account of the deep economic recession of the beginning of the 1990s, the average share of the total health expenditure in GDP showed a marked upward tendency (9.4 per cent in 1992 which was considered to be one of the highest by international comparison), but the share has begun to decrease now that the economy is on the recovery (in 1998, the share is estimated to have been 7.4 per cent).

Table 2. The share of health care expenditure in GDP, 1995-1998

Year	Health care expenditure	% of GDP
1995	Fmk 42 729 million	7.6
1996	Fmk 44 600 million	7.8
1997 estim.	Fmk 47 000 million	7.6
1998 estim.	Fmk 49 400 million	7.4

Table 3. Health care financing in 1995

Financing	%
The Public sector (the government and municipalities)	35.2
Compulsory health insurance	6.8
Health care insurance funds	1.6
Private households	56.4
Total	100.0

2. (b) Cash sickness benefits

185. The benefits payable under the insurance system have been described in the previous periodic report.

186. Health insurance is financed by employer premiums, insurance premiums and State subsidies.

Table 4. Shares of financing (%), 1994-1997

Year	The insured	Employers	The Government	Other
1994	61.9	29.2	7.3	1.5
1995	63.8	34.3	0	1.9
1996	64.2	34.5	0	1.3
1997	64.5	34.4	0	1.1
1998	54.8	34.5	9.8	0.9

The share of the Government has varied due to changes in legislation; see section 7.

187. Daily Allowance. The Daily Allowance Scheme was revised in 1996. The minimum daily allowance was replaced by a means-tested allowance for recipients with no income or with very low earnings (less than Fmk 5,170 per year in 1998). The benefit is means-tested only when the illness lasts for more than 60 days. The compensation grades were slightly adjusted in the other income groups. The amount of a daily allowance is calculated progressively from the recipient's annual earnings, based on his/her latest annual earnings assessed by the taxation authorities, minus 5 per cent. Employed and self-employed persons aged 16 to 64 are entitled to a daily allowance under the Health Insurance Scheme in the case of incapacity for work due to sickness confirmed by a doctor. The allowance is payable after a waiting period of nine days. It is paid for six days a week for a maximum of 300 days over a two-year period in respect of one illness.

Table 5. An example of daily allowance in 1998

Earnings base Fmk/year	Daily allowance Fmk/day
5 170	0 00
9 500	22 15
25 710	60 00
104 500	243 85
134 810	314 53
190 000	388 15
207 380	411 31
247 000	444 30

The daily allowance is taxable income. Refunds paid for medical expenses are tax-free.

188. Doctors' fees. The Health Insurance Scheme refunds 60 per cent of private doctors' fees according to a specified tariff fixed by KELA (Social Insurance Institution).

Table 6. The average reimbursement rate, 1994-1998 (% of actual costs)

Year	1994	1995	1996	1997	1998
%	36.1	38.0	40.1	39.1	38.2

189. Examinations and treatment. Under the Health Insurance Scheme, in respect of examinations and treatments prescribed by a private doctor, 75 per cent of the costs exceeding Fmk 70 are reimbursed according to a fixed scale of charges confirmed by KELA.

Table 7. The average reimbursement rate, 1994-1998 (% of actual costs)

Year	1994	1995	1996	1997	1998
%	39.7	41.5	43.2	42.8	43.1

190. Medicines. For medicines (essential from the point of view of the treatment) prescribed by a doctor, a refund is granted for the part of the cost exceeding the co-payment. The basic refund is 50 per cent per purchase in respect of costs exceeding Fmk 50. Patients with certain specified serious and long-term illnesses may be entitled to a special refund of 75 per cent or 100 per cent for costs exceeding Fmk 25 (appendix 33; A Guide to Benefits/Supplement, 1997).

Table 8. The average reimbursement rate in the compensation groups, 1994-1998

Year/%	1994	1995	1996	1997	1998
Comp.group 50%	35.1	38.2	38.9	39.7	40.0
Comp.group 75%	73.6	70.1	70.3	70.4	70.2
Comp.group 100%	96	96	96	96	96.1

Where the medical expenses paid by the patient over one year exceed the maximum fixed amount, the remaining part is refunded in full. In 1998 this maximum amount was Fmk 3,240 (up from Fmk 3,100 in 1994).

191. Travel. Costs arising from travel to examinations or treatment is reimbursed in full where expenses per trip are in excess of a certain co-payment (since 1993, Fmk 45). If the patient's annual travel expenses exceed the maximum amount (which since 1993 has been Fmk 900 or 20 trips), all further costs are refunded. The average reimbursable share has gradually risen during the past five years, and in 1998 it was 83 per cent (80.1 per cent in 1994).

192. Dental care. For persons born in 1956 or thereafter, the dentist's fee is reimbursed according to a fixed scale of charges, and refunds for the cost of oral or dental examinations and preventive treatment cover 75 per cent of the expenses. For persons born earlier than that, 75 per cent of the cost of a single dental examination or preventive treatment is refunded once in a three-year period. (temporary, from 1 October 1997 until 31 December 1999). For war veterans, basic dental care is fully reimbursable and other dental services are refunded in part.

Table 9. The average reimbursement rate for dental care, 1994-1997

Year	1994	1995	1996	1997	1998
%	55.5	53.1	49.9	49.0	48.9

2. (c) Maternity benefits

193. Reference is made to the report on ILO Convention No.130 submitted in 1998 (appendix 30), and to the second periodic report on the rights of the child.

2. (d) Old-age benefits

194. The two complementary statutory pension systems, the National Pension Scheme and the Employment Pension Scheme, together form a pension insurance coverage which conforms to the requirements of the EU pillar I.

195. The National Pension Scheme provides minimum pension security to a person who lives in Finland. National pension is payable to persons who are not covered by the Employment Pension Scheme or whose employment pension is very small. Persons who have lived in Finland for at least 40 years after reaching age 16, are entitled to a full pension. Finnish citizenship is not required. In order to become entitled to a national pension, a Finnish citizen must have been resident in Finland for at least three years after the age of 16. Citizens of other countries qualify for a pension after they have lived in Finland for five years immediately prior to the start of the payment of the pension. Refugees and stateless persons as well as persons covered by Community legislation or social security agreement are comparable to Finnish citizens. The National Pension Scheme is financed by employer premiums complemented by State subsidies (see section 3).

196. The Employment Pension Scheme covers employment relationships in both the public and private sectors. In addition, separate provisions have been enacted to provide for the pensions of workers in short-term employment and in certain occupations (farmers, seamen). The basic entitlement criteria and benefits are similar in all schemes. One person may qualify for a pension under several pension schemes. The amount of an employment pension depends on the length of employment, the earnings and the accrual rate. The target level is 60 per cent of pensionable earnings after 40 years in employment. The normal accrual rate is 1.5 per cent a year. To promote longer working careers, the accrual rate is higher in the last years.

Unemployment pensions, survivors' pension and early retirement pensions are somewhat lower than old-age pensions. Pensions are partly financed by employer premiums, partly by social security contributions collected from the employees. The Government subsidizes certain pension schemes (e.g. that of farmers). The schemes are integrated, and when a person's employment pension exceeds a given amount, no national pension is paid. The income of pension recipients is supplemented by a statutory housing allowance for pensioners.

197. At the end of 1997, the total number of pension recipients in Finland was 1,244,233, which is 24 per cent of the whole population. An old-age pension was paid to 836,701 persons. The average amount of an old-age pension was Fmk 4,822 per month.

198. Early-retirement pensions can be paid on account of disability or in the form of an early old-age pension. The latter reduces the amount of the recipient's pension permanently.

199. The normal pensionable age in Finland is 65 years. A person must be at least aged 60 to qualify for an early old-age pension. Pensionable age in the public sector was raised from 63 to 65 years as of the beginning of 1993. The change affects employment relationships which began after 1 January 1993 and employees born after 1959 whose employment relationship started after 1 January 1990. The reform was carried out in a manner which allows those with substantial pension entitlements at the time when the change became effective to retire on the basis of the old provisions. The actual retirement age for these employees varies between 63 and 65 years.

Table 10. The number of old-age pensions in payment under different pension schemes on 31 December 1997

Scheme	Number of pensions	Average monthly pension (Fmk)
Employment pensions		
Private sector	594 179	2 487
Of which deferred	17 364	
Of which early	32 306	
Public Sector		
State pensions	143 889	5 224
Municipal pensions	119 561	3 968
National pensions	773 630	1 345

Notes: 1. Since one person may qualify for a pension under several schemes, the pensions paid outnumber the number of the pension recipients.

2. Some employment pensions are paid-up-policies and as such low, which is why the average monthly pension in the above table is lower than the average total pension received by beneficiaries. Persons with a small employment pension are entitled to a national pension in full or in part.

2. (e) Invalidity benefits

200. Income security during a period of disability is based on a daily allowance during disability, employment pension, national pension and housing allowance for pensioners.

201. The entitlement criteria for an invalidity pension described in the previous periodic report remain valid, except that individual early-retirement pension is now payable at age 58 at the earliest (up from 55 years).

202. Pensions are granted from the same schemes and under similar criteria as old-age pensions. Since 1 January 1996, however, the accrual rates used for additional non-working years credited in invalidity pensions have been lowered. The accrual rates are 1.2 per cent per year for years credited in the age group 50 to 59 and 0.8 per cent per year for those aged 60 to 64. Otherwise the accrual rate is 1.5 per cent per year. Invalidity pension if credited from the start of the entitlement (future time) until the recipient qualifies for an old-age pension.

203. In 1997, an invalidity pension was paid to 294,951 beneficiaries, which corresponds to 5.7 per cent of the population. The average pension was Fmk 5,146 a month.

2. (f) Survivors' pension benefits

204. Following the death of a breadwinner, the surviving spouse and children are generally entitled to two statutory pensions: the survivors' pension under the Employment Pension Scheme and the general survivors' pension under the National Pension Scheme.

205. During the reporting period, there have been no changes in the legislation relating to survivors' pension entitlements or benefits.

206. The criteria governing survivors' pensions under the Employment Pension Scheme were discussed in the previous report.

207. The survivors' pension payable under the National Pension Scheme is based on the Survivors' Pensions Act. Pensions are payable to minor orphans (orphan's pension) and surviving spouses who are aged 65 or under (spouse's pension), provided that the deceased was under 65 of age at the time of marriage. The spouse's pension is payable to the widow(er) irrespective of age, if she/he has or has had a child with the deceased. It is also payable if the widow(er) is older than 50 years of age, and the marriage had lasted for at least five years and had been contracted before the widow(er) had turned 50. However, widows born before 1 July 1950 are eligible for the benefit on less stringent terms. The spouse's initial pension includes a basic amount payable to all and a means-tested additional amount payable for the first six months following the death of the spouse. After that the pension is continued if the surviving spouse is providing for a child under 18 years of age. If there is no child, the spouse's pension consists of a means-tested supplementary amount only. The orphan's pension is payable to all half and full orphans under 18, as well as to those aged 18 to 21 who, on account of studies or vocational training, cannot maintain themselves. Entitlement can be derived through the death of a parent, an adoptive parent, or any other person who has assumed responsibility for the child. Full orphans are entitled to two separate pensions, one through each parent.

208. In 1997, there were 243,445 persons qualifying for a spouse's pension and 29,339 children receiving an orphan's pension. The spouse's pension was Fmk 2,261 per month and the orphan's pension Fmk 1,559 per month on average.

2. (g) Employment injury benefits

209. Employers are obliged to take out insurance for their employees and to pay the premiums. As of the beginning of 1999, the amount of the premiums ceased to be determined by the authorities, but the premiums still need to be based on the hazardousness of the occupation or work. Small employers' premiums depend on the statistical likelihood of injury in the occupation in general. Medium-sized and big employers' premiums are based entirely or partly on the employer's own statistics of accidents. The amount of the premium is determined according to a fixed percentage value based on the employer's payroll expenses and the hazardousness of the work. In 1998, the employer's employment injury insurance premium was, on average, 1.6 per cent of the payroll expenses.

210. If an insurance company fails to attend to a claim for damages or neglects payment of compensation within a reasonable period of time, the issue is submitted to the Federation of Accident Insurance Institutions. Expenses arising from the negligence will be collected from the insurance company. In cases where the insurance company has become bankrupt, other insurance companies in the accident insurance business take responsibility for the compensation. These guarantee systems became effective as of the beginning of 1997.

211. As far as employment injury benefits are concerned, reference is made to the previous report, with the following supplementary provisions.

212. The daily allowance for disability is paid for a period of one year at the most, after which the beneficiary becomes entitled to an accident pension until it is determined that the employment accident or occupational disease causes at least a 10 per cent reduction in the person's earnings. A full accident pension is 85 per cent of annual earnings and, after the beneficiary reaches the age of 65, 70 per cent of his/her annual earnings. Medical expenses are reimbursed in full. Medical care comprises doctor's treatment, hospital fees, medicines, prostheses and other aids, as well as travel expenses. If an injury caused by an accident or an occupational disease results in a permanent general handicap, the insured is entitled to an inconvenience allowance to provide compensation for other inconvenience caused by the injury or illness than weakened capacity for work. If an insured person dies as a result of an employment accident or of an occupational disease, the surviving dependants are entitled to both a survivors' pension and a death grant (the latter was Fmk 19,400 in 1998).

2. (h) Unemployment benefits

213. An account of unemployment benefits and recent developments in related legislation was given in conjunction with the report on ILO Convention No. 168 in 1998 (appendix 31).

3. Social security financing

214. During the reporting period, reforms have been made in the financing of social security in accordance with the guidelines laid down in the government programme. The employees and the insured contribute more and the employers and the Government less than before. The general trend has been to strengthen the connection between the amounts contributed and the benefits earned, especially in all earnings-related schemes. Minimum social security benefits are increasingly financed from taxation. However, full implementation of this principle has not been possible on account of cuts in government expenditure.

215. In Finland, social security is generally financed by employers, employees, the insured and the Government. The respective contributions of the parties with regard to payments and rates of payment vary according to the benefit scheme concerned.

216. Benefits paid by KELA are derived primarily from taxation. The national pension and health insurance benefits are partly financed by employers' social security premiums. The financing structures of these benefits have been changed.

217. National pensions are financed mainly by means of employer contributions and additional amounts earmarked for the purpose by the Government. Since 1993, a share of value-added tax revenues and of special charges levied on motor and accident insurance institutions have been used to finance pension benefits. Until 1996, municipalities paid a part of the expenditure and a general fee was paid by the insured in connection with taxation. These obligations were abolished in 1996. The Government is the sole financier of schemes providing for survivors' pensions, front-veterans' benefits, general disability allowances, child disability allowances and housing allowances for pensioners; 29 per cent of national pensions are State-

financed. The Government also guarantees the National Pension Scheme, and pays an additional subsidy if other income is not enough to cover the expenditure. In 1998, a total of Fmk 495 million was paid to cover additional subsidies.

218. Health insurance is financed by employer fees and contributions paid by the insured as a percentage of their taxable income. The Government pays a subsidy if other income is insufficient. In the period 1995 to 1997, there was no need for State subsidies. In 1998, State subsidies amounted to Fmk 1,050,000 that is, 8 per cent of the expenditure. Based on EU legislation and bilateral agreements, the Government takes responsibility for costs arising from health care services given to Finnish citizens abroad, and health care given in Finland to citizens of foreign countries is financed by the municipalities.

219. In 1998, the health insurance contribution of the insured was 1.5 per cent of taxable earnings. Pension recipients' health insurance contribution was 1.5 per cent of all taxable earnings, plus 2.7 per cent of taxable pension income (making a total of 4.2 per cent). Pension recipients' social security fees are higher than the fees paid by employees to compensate for the fact that the compulsory employees' employment pension insurance fees and the employees' unemployment insurance contributions are not levied on pensions.

220. The employers' health insurance contribution in the private sector is 1.6 per cent and the national pension insurance contribution 2.4, 4.0 or 4.9 per cent of salaries paid. In 1998, private employers' total social security contributions were thus 4.0, 5.6 or 6.5 per cent of salaries paid. Child benefit contributions are not charged. Government and State institutions' health insurance fee is 2.85 per cent, municipalities and federations of municipalities pay 1.6 per cent, and other employers in the public sector (i.e. parishes) 6.85 per cent of salaries paid. The national pension insurance contribution for all employers in the public sector is 3.95 per cent of salaries paid.

Table 11. Social security premiums, 1994-1998

Year	1994	1995	1996	1997	1998
National pension					
Employers (average)	3.41	3.39	3.45	3.24	3.25
The insured/employees	1.55	0.55	0	0	0
The insured/pensioners	2.55	1.55	0	0	0
Health insurance					
Employers (average)	1.91	2.05	2.05	1.74	1.74
The insured/employees	1.90	1.90	1.90	1.90	1.50
The insured/pensioners	4.90	4.90	4.90	4.90	4.20

221. Employers in the private and public sectors contribute different amounts to the National Pension Scheme and the amounts of employer fees also vary within the private sector according to the size of the payroll and investments made.

222. Employment pension insurance for employees working in the private sector is financed by wage-related insurance premiums paid by the employer. Since 1993, employers have also participated in the financing of their employment pension insurance by paying an employment pension contribution. As far as accident insurance is concerned, reference is made to section 2.(g) above.

Table 12. Average contributions in the private sector, 1994-1998

Year	1994	1995	1996	1997	1998
Employment Pension Scheme					
Employer	15.60	16.60	16.80	16.70	16.80
Employees	3.00	4.00	4.30	4.50	4.70
Accident Insurance	1.20	1.20	1.30	1.40	1.60

4. The share of social expenditure in GDP

Table 13. The ratio of social security expenditure to GDP, 1980-1998

Year	1980	1985	1990	1995	1996	1997*	1998*
% of GDP	19.7	24.1	25.5	32.7	32.3	30.0	28.0

* estimated

223. The increase in the ratio of social expenditure to GDP was caused by the deep economic depression which started in 1991. Due to the depression, GDP declined over 10 per cent during the period 1991-1993.

224. Unemployment also rose gradually from 3 per cent in 1990 to 18 per cent in 1994. As a consequence, unemployment expenditure tripled and increased the ratio of social expenditure to GDP. Since 1994, GDP has risen more than social security costs and, as a result, the share of social security expenditure in GDP has declined. Unemployment has also decreased to about 12 per cent in 1998.

5. Changes in social security

225. The recession of the early 1990s led to changes in both social security benefits and their financing, affecting, in particular, the Unemployment Insurance and Pension Schemes and the health insurance and maternity benefits. The idea was to make work worthwhile. As for financing, a greater burden was imposed on the insured. However, the basic structure of social security has been preserved.

226. Changes involving the social security system and benefits were also discussed in the MISSOC (Mutual Information System on Social Protection in the Member States of the European Union) reports of 1 July 1997 to 31 December 1997 and of 1 January to 31 December 1998 (appendices 34-35).

227. Unemployment security was expanded in 1995 to cover also self-employed persons. They were also from that time onwards allowed, on a voluntary basis, to join an unemployment fund and become eligible for earnings-related benefits. The most marked changes in the scheme came into force at the beginning of 1997. The qualifying period of employment entitling a person to unemployment allowance was extended from six to 10 months. In addition, to qualify for earnings-related benefits, a person must have been a member of an unemployment fund for at least 10 months and satisfy the qualifying period of employment during membership. The waiting period was extended to seven days. For the ageing long-term unemployed, the qualifying age for unemployment benefits was raised from 55 years to 57 years. The level of unemployment allowance was raised for people in part-time employment and for those eligible for an adjusted the unemployment allowance. The indexation rules were changed so that the unemployment allowance is indexed annually according to changes in the cost-of-living index.

228. Those not eligible for an unemployment allowance are entitled to labour-market support. The eligibility rules and levels of the benefit have been changed to favour participation in education or training.

229. The employees' share of the financing has been increased. Since 1993, the employees' unemployment contribution has been charged on an annual basis. (The contribution becomes permanent in 1999). In 1998, this contribution was 1.4 per cent of pay. The shares of the Government and the employers have been lowered correspondingly. In 1998, the employers' premium was an average of 2.78 per cent of salaries paid.

230. The Pension Scheme has been reformed. In order to clarify the roles of the national pension and the employment pension, the basic amount and the additional amount were joined to form a single national pension. This guarantees a minimum pension to everyone, and will be paid to those with no or a small employment pension. The pension schemes are fully integrated, and thus no national pension is paid to those receiving an earnings-related pension which is in excess of a given level. If a national pension was granted to a beneficiary before 1 January 1996, the amount of the pension or of the additional amount granted earlier remains unaltered for persons entitled to a full national pension. If only the basic amount is paid, the national pension will be reduced gradually by 20 per cent per year. This will eventually result in the elimination of the basic amount by the year 2001. The child and spouse increases and the funeral grant were abolished in 1996. From those still receiving these amounts, the benefit will be withdrawn over a five-year period.

231. The Employment Pension Scheme has been amended to promote longer working careers and to reduce future expenses. Pensionable salary is now determined by taking into account the earnings of the last 10 years of employment (previously four years). If this period includes years with exceptionally low income (less than half of the average in the last 10 years) due to sickness, studies, or a similar reason, these years (up to a maximum of one third) are disregarded. The legislation has been introduced by stages beginning from 1996. Furthermore, the post-contingency accrual rate for disability retirement pension was reduced to 1.2 per cent per year for credit period (earlier 1.5 per cent) for those aged 50 to 59, and to 0.8 per cent after the pension recipient reaches the age of 60. The entitlement rules for eligibility to post-contingency accrual were tightened so that the beneficiary must have been employed or self-employed within the Finnish private or public sector for at least one year during the last 10 years preceding the pension contingency.

232. The indexation of benefits was reformed so that old-age pensions which become payable to persons aged 65 will be indexed according to changes in prices up to 80 per cent and according to changes in earnings up to 20 per cent. The new index has been applied beginning from 1996.

233. Instead of a temporary disability pension, a rehabilitation benefit is paid. This change entered into force in 1996. The benefit is paid only if a rehabilitation plan has been devised for the employee and if it serves the course of treatment and rehabilitation.

234. A temporary amendment was made to the employment pension legislation, to be applicable from 1 July 1998 until 31 December 2000. It provides for the possibility of taking a part-time pension at the age of 56 instead of the regular 58 years.

235. The basic daily allowance of the Health Insurance Scheme was changed in 1996. Since 1 January 1996, the allowance has not been payable to those with an annual income of less than Fmk 5,000. However, if an illness continues for more than 60 days, a means-tested minimum benefit is paid. In the case of the maternity allowance, the minimum benefit is not means-tested. In 1998, the minimum benefit was Fmk 60 and it is paid for six days per week.

236. As of January 1997, adoptive parents have been entitled to parenthood allowance for a minimum of 180 days instead of 100 days. Furthermore, parenthood allowance is now paid until the adopted child turns 7 (earlier 6).

237. Entitlement to maternity allowance has been improved in the case of premature births. If the child is born more than 30 days early, the mother qualifies for a longer maternity allowance period, covering as many additional days as the child was born more than 30 days early. The additional days are to be taken after the parenthood allowance period.

238. The parameters of dental care were slightly expanded. A temporary law, valid from 1 October 1997 until 31 December 1999, gives the whole adult population the right to have a refund for dentist's

examinations and oral and dental preventive care once in three years. The refund is 75 per cent of the expenses.

Article 10

1. International agreements

239. Finland has ratified the following international agreements referred to in the guidelines:

International Covenant on Civil and Political Rights;
Convention on the Rights of the Child;
Convention on the Elimination of All Forms of Discrimination against women;
ILO Minimum Age Convention, 1973 (No. 138).

2. Family

240. Reference is made to the previous report.

3. The age of majority

241. In Finnish legislation, a person who is under 18 years of age is a minor. There are, however, certain provisions which depart from the main principle and afford a minor child the right to self-determination or the right to be heard. For example, a minor aged 15 can, alongside the guardian, independently exercise his/her right to be heard in matters concerning his/her person in court; equally, if a minor gets married, he/she becomes free from the authority of the guardian in matters concerning his/her person, and a 15-year-old can, without the permission of the guardian, conclude a contract of employment (which the gurdian can, however, terminate under certain conditions) etc. These issues have been discussed under article 1 in the first periodic report submitted by Finland on the rights of the child.

4. (b) Protection of the family

242. Reference is made to the previous report. The following supplementary information is provided.

243. Violence against women. In 1997, a study was made by Statistics Finland on violence against women. The study was financed by the Council for Equality and the Ministry of Social Affairs and Health, and the results were produced in the form of statistical data. A total of 7,100 questionnaires were posted to women aged 15 to 74, of whom 5,000 responded (70%). The respondents were asked to tell about their fears, their experience of violence and, especially, whether they had encountered violence on the part of their partner, whether they had sought assistance from the authorities and professional counselling, as well as whether they had been satisfied with the assistance given.

244. Violence proved to be a surprisingly common problem in Finland: 40 per cent of women reported that they had at some time in their life after age 15 experienced physical or sexual violence or threat from a man; 22% of women living with a man had been physically or sexually assaulted or threatened by violence by the present partner, 9 per cent of such cases were reported to have taken place during the previous 12 months; 50% of co-habiting or married women reported violence on the part of their former husband or male partner. Of those who had experienced domestic violence, 12 per cent had sought assistance. Of violent men, 6 per cent had sought assistance concerning their problem.

245. The questionnaire and the results of the survey are available in English and are appended to the present report (Markku Heiskanen and Minna Piispa: Faith, Hope, Battering: A Survey on Men's Violence against Women in Finland, 1988; appendix 37).

246. The Council for Equality has put forward a proposal for a research programme relating to increasingly gender-specific violence. By means of launching such a research programme, attention was called to the problem of violence and to the fact that information on its possible solution is scarce.

247. Preventive services have been described in Finland's third report to the Committee on the Elimination of Violence against Women, submitted in January 1997. It is further noted that counselling is available also for men who are willing to give up their violent behaviour ("Mobile", "Lyömätön linja" and "Jussi project"). An essential principle in the counselling is to make these men take personal responsibility for their actions.

248. In 1998, the National Research and Development Centre for Welfare and Health (STAKES) launched a five-year national project to prevent violence. The project is divided into two parts, of which one deals with prevention of violence against women and the other focuses on prevention of prostitution. The national project is complemented by 12 regional cooperation projects and several local projects of which one, a project on domestic violence in the city of Helsinki, has also arranged an information campaign.

249. Prevention of violence against women and domestic violence are also included in the Equality Programme of the Finnish Government.

250. Afternoon activities for schoolchildren. During the past few years, special attention has been focused on schoolchildren's afternoon activities. All schoolchildren should be able to take part in some hobby after school hours or have access to safe adult companionship. The Ministry of Education supports after-school activities and their development in collaboration with local authorities and non-governmental organizations and different associations. The National Board of Education has launched its own experimental project to support and develop municipal after-school club activities for schoolchildren.

251. According to the Contracts of Employment Act, an employee is entitled to be away from work on an occasional basis if his/her presence at home is essential on account of an unforeseen and compelling event, such as an illness or accident in the family. Similar provisions apply in the public sector.

5. Maternity protection

252. Reference is made to the previous report, supplemented with the following information.

253. An amendment to the Contracts of Employment Act (320/1970) pertaining to family leave became effective in October 1998 (357/1998). The purpose of the amendment was to clarify the provisions in the Contracts of Employment Act which relate to maternity, special maternity, paternity and parental leave and to make them compatible with Directive 96/34/EC, which is the basis of an agreement on parental leave between labour market organizations at the European level. When the Contracts of Employment Act was amended, the requirement on compulsory maternity leave included in Council Directive 92/85/EEC on pregnant women, was recognized. The Directive aims to improve the occupational safety of pregnant women, women with a newborn child and nursing women.

254. The Contracts of Employment Act gives employees the right to freedom from work for the period of maternity, special maternity, paternity and parental leave referred to in the Health Insurance Act.

255. The Contracts of Employment Act covers work done by employees receiving maternity allowance. During maternity leave, an employee may, with the consent of the employer, carry out work which does not endanger her safety or the safety of the foetus or the child when born. However, an employee may not work during two weeks prior to the estimated date of delivery nor for two weeks after the child is born. Both the

employer and the employee are entitled to suspend work done by an employee who is receiving a maternity allowance.

256. After the period of maternity leave, an employer has the right to care leave in order to look after her own child or a child who resides permanently in the same household until the child is three years of age. This entitlement also applies to the father. Care leave can be divided into two periods at the most, consisting of a minimum of 30 days, unless the employer and the employee agree on more than two periods or a period which is shorter than a month. The amendment of the Contracts of Employment Act takes into account the fact that unconventional working relationships are increasing and therefore provides for the opportunity to take partial care leave.

257. A father who participates in the care of his child and is not in gainful employment or other employment outside the home is entitled to a paternity allowance.

258. The Health Insurance Act contains provisions on the maternity allowance payable on account of pregnancy and delivery, on the paternity and parenthood allowance payable to fathers or parents looking after a child or an adoptive child, as well as on special maternity allowance which becomes payable due to a threat to the development of the foetus or to the pregnancy. The precondition is that the pregnancy has lasted for 154 days. Entitlement to a maternity allowance begins 50 working days prior to the due date at the earliest, provided that the insured is not engaged in gainful employment outside the home. In other cases, entitlement to a maternity allowance begins no later than 30 working days immediately prior to the estimated date of delivery. The period of maternity allowance is 105 days. After that either the father or the mother of the child is entitled to a parenthood allowance. Combined maternity and parenthood allowance is payable for 263 working days. In addition, the father of the child, if he is not engaged in gainful employment or other employment outside the home, qualifies for a paternity allowance for six working days while the maternity or parenthood allowance is in payment.

6. Protection of children from economic and social exploitation

259. Reference is made to the second periodic report on the rights of the child submitted by Finland in July 1998.

260. New provisions on sexual offences and child pornography, included in section 20 of the Penal Code, came into force on 1 January 1999. Sexual contact with a child aged under 16 is criminalized as sexual abuse of a child. Separate provisions have been enacted to criminalize serious sexual abuse of a child and purchase of sexual services from a young person. The sexual integrity and self-determination of a child or adolescent have also been protected by criminalizing sexual abuse of a person aged under 18 if in cases where the offender has taken advantage of his/her position or status of authority or the immaturity of the young person.

261. In December 1998, Parliament approved amendments relating to the establishment of a system according to which the considerable costs arising from the maintenance of child welfare will be shared by municipalities. The equalization system has been effective as of 1 March 1999. The idea is to share the economic burden on municipalities that is caused by expensive child welfare measures and to channel the resources in a manner which will guarantee appropriate and timely services for the clients. The Government shoulders half of the expenses.

6. (a) Minimum age of admission to employment

262. Reference is made to the second periodic report on the rights of the child, submitted by Finland in July 1998, and to the report on ILO Convention No. 138, submitted by Finland in 1996 (appendix 36).

6. (b) Statistics of children in paid employment

Table 1. Children aged 15 to 17 in employment and calculated as belonging to the labour force in 1998

1998	Total	In the labour force	In employment
Aged 15	70 400	10 700	6 500
Aged 16	69 200	15 000	9 000
Aged 17	61 500	15 400	10 600

Source: Statistics of the Ministry of Labour.

Notes: Official statistics include those aged 15 to 24.

Both the unemployed and those in gainful employment are included in the figure for the labour force.

6. (c) Children employed in the home

263. Reference is made to the previous report.

6. (d) Children excluded from social protection

264. Reference is made to the previous report.

6. (e) Provision of information on the rights of the child

265. Reference is made to the previous report.

6. (f) Difficulties and shortcomings

266. Young workers are well provided for in the Finnish legislation, and supervision of their protection is comprehensive. Specific problems in the realization of their rights have not been detected.

7. Changes in legislation

267. An amendment to the Young Workers Act (754/1998) became effective at the beginning of 1999. Based on the act, young persons subject to compulsory schooling who have turned 14 or will do so during the calendar year in question may use no more than half of the school holidays for work.

268. The regular hours of work of persons in apprenticeship training have been limited; the hours of work and the time spent in training must not together exceed eight hours a day or 40 hours a week. After the amendment, the Young Workers Act meets the requirements set out in the Council Directive (94/33/EC) on the protection of young people at work and corresponds to the legal practice grounded on article 7 of the European Social Charter.

269. Amendments to the Contracts of Employment Act, effective as of 1998, which relate to family leave and the occupational safety of pregnant women and women with a newborn child have been discussed in section 5 above.

270. As far as equality legislation is concerned, reference is made to the third CEDAW report, submitted by Finland in January 1997. Government proposals on the partial reform of the Penal Code, focusing on provisions concerning sexual offences, as well as on the act relating to the restraining order are also dealt with in the report. The amendments became effective at the beginning of 1999.

Article 11

271. The principal provisions relating to social security incorporated in the fundamental rights, are included in section 15a of the Constitution Act of Finland (section 19 of the Constitution of Finland).

1. (a) Standard of living

272. Due to the economic recession of the early 1990s, the favourable income development of households, which had lasted for about 10 years, came to an end. At the end of the 1980s, disposable income per person was nearly 30 per cent higher than at the start of the decade. During the period 1991-1994, the average real income of households was cut by more than 10 per cent. A number of individual households were hit by even greater losses of income. The most adversely affected groups were low-income and indebted households. In 1995, incomes started to edge up and income development has remained favourable throughout the rest of the decade.

273. In the 1980s, income differentials changed very little. Income transfer systems and the moderate income development of those in employment prevented the exacerbation of income differentials in the years of stagnation of the early 1990s. In the mid-1990s, income differentials started to widen. The rapid economic growth has not embraced every part of the population. Despite the improved employment situation, our present unemployment figures are still clearly in excess of pre-depression levels. Long-term unemployment is a particular problem. In an effort to balance the public economy, several benefits have been cut, which has led to income difficulties, specifically among low-income households.

274. The mass unemployment of the early 1990s affected young persons, in particular. Households constituting of elderly persons were less prone to suffer from the depression than households composed of persons of working age. Since then the income differentials between the different age groups have been reduced. Those in employment have seen their incomes improve towards the end of the decade. Changes in the income levels of different family types are not the reason for the changes in income distribution. The widening income differentials are primarily due to the fact that income differentials within different types of families are widening.

1. (c) Poverty line

275. It is difficult to define the share of GDP of the poorest 40 per cent of the population because of conceptual ambiguity. That is why it may be more appropriate to ask what is the share of the lowest-income 40 per cent of households' disposable income. However, without more detailed guidelines, the figures supplied by different countries may not be comparable. In 1997, the share of those falling in the lowest four income deciles (that is, the poorest 40 per cent) was 25.6 per cent of the disposable income of all households. In 1987, the share was 27.3 per cent. When income deciles and corresponding income shares have been established, households' different sizes have been taken into account (equivalent disposable income). Studies made by the OECD are perhaps the most reliable data source when the internal income differentials of different countries are compared. Based on OECD statistics, income in Finland is rather evenly distributed by international comparison.

276. An official poverty line has not been defined in Finland. Instead, the so-called relative poverty line is generally used in statistics and research. This is often defined to represent 50 per cent of the median disposable income of all households. A poverty rate based on the relative poverty line has also been used in OECD studies. In these studies, the poverty rate in Finland has been lower than in most other OECD countries.

2. The right to adequate food

277. Living allowance. The Living Allowance Act (1412/1997) took effect on 1 March 1998. The living allowance is a statutory last-resort economic form of assistance granted by municipalities to individuals or families. The allowance is intended to safeguard the minimum livelihood necessary for a worthwhile existence and to contribute to independent living. The allowance can be granted to anyone who meets the required criteria. No group of the population is beyond the scope of application of the system or placed in any special positions in terms of the allowance. In cases where recipients have difficulty in managing money, cash allowances can, in exceptional cases, be paid in kind.

278. The basic amount of the living allowance has been determined by law (about Fmk 2,000 per month for adults living on their own). It has been measured as being a reasonable sum to cover expenses arising from certain basic needs (e.g. nutrition, clothes, hygiene, 7% of housing costs). The parameters of the basic amount have been clarified by means of, for example, studying consumption patterns. Various research projects are under way in order to find out whether such studies give an appropriate picture of what is to be considered essential consumption.

279. The so-called additional amount is granted on the basis of individual needs. Expenses that are taken into account include the rest of the housing costs (in practice 93%), greater than minor health care expenses, and expenses arising from specific needs and circumstances. When a living allowance is granted, all the disposable income and assets of the person and family are calculated to be income.

280. The number of households receiving last-resort social assistance nearly doubled during the first half of the 1990s. Assistance was also paid over a longer period of time (in 1996, nearly a quarter of the beneficiaries received assistance for close to a year). In 1997, the number of households receiving the living allowance ceased to grow and began to decrease (albeit the expenditure still rose a little). Based on preliminary information covering January-June 1998, both the expenses arising from the payment of the living allowance and the number of households receiving the allowance have clearly decreased. Unemployment has been the most important single criterion for granting a living allowance; more than a half of the recipients were also covered by some unemployment benefit. In households receiving the living allowance, the head of the household was aged under 25 in more than a quarter of the cases. The majority of these were students.

281. Since it has been necessary to complement the primary benefits (basic unemployment benefit, housing allowance, student allowance) by the living allowance, the level of the primary benefits was raised in the context of the legislative amendment in an effort to avoid any need for the last-resort assistance. The basic unemployment benefit and the housing allowance were raised beginning from January 1998 and student allowance as of 1 August 1998.

282. Schoolchildren in comprehensive schools and students in some institutions of secondary education are given a meal at school free of charge.

283. Finland participates in the distribution of foodstuffs, organized under EC financing, to those with the most limited means, as is described in section 5.

3. Housing

284. Housing and the construction of houses is supported by means of housing allowances, interest subsidies, grants and tax allowances. The housing allowance system comprises general housing allowances, housing supplements for students and housing allowances for pensioners. Interest subsidies include home savers' allowances (ASP), state-subsidized housing loans and interest subsidy systems. Direct housing

assistance is channelled to different special groups and to reconstruction projects. Of tax allowances, the most important is tax deduction of interest on housing loans.

3. (a) Statistical information

285. Statistical data on the housing situation in Finland is provided in appendix 38.

3. (b) Groups that are vulnerable and disadvantaged

(i) The homeless

286. The number of homeless began gradually to decrease at the beginning of the 1990s and seems to have stabilized in 1997 (see table below). Half of the homeless live in the Helsinki metropolitan area. The number of homeless families seems to be on the rise. The likely reason for this is the fact that returning migrants from Ingria need to wait for a house or flat of their own in temporary accommodation.

Table 1. Single homeless persons and homeless families, 1992-1997

	Single				Families
Year	Out in the open, night shelters etc.	In institutions due to lack of housing	Temporarily at friends	Total	Homeless families
1992	3 030	3 030	6 820	12 880	570
1993	2 560	2 410	6 700	11 670	250
1994	1 760	2 170	6 630	10 560	380
1995	1 710	2 110	6 610	10 430	560
1996	1 720	2 110	5 780	9 610	360
1997	1 720	2 450	5 650	9 820	600

287. Based on information given by the State Housing Fund, 800 families were without accommodation in Finland in 1998. The number of homeless individuals was 9,800.

(ii) The number of individuals and families inadequately housed

288. In 1995, 6.3 per cent of all households were overcrowded (which means more than one person per room). Based on data from 1996, 12.6 per cent of all households were living in substandard dwellings, that is, there was not ready access to one of the following amenities: piped water supply, sewer, hot water, flush toilet, or washing facilities (shower/bathroom or sauna).

289. The housing situation of the Romanies is discussed in section 3.(c)(vi).

(iii) Illegal housing

290. Illegal housing does not exist in Finland.

(iv) Number of persons evicted

Table 2. Number of court decisions concerning evictions, 1994-1998

Year	Court hearings	Claims approved
1994	2 334	1 705
1995	2 795	1 946
1996	1 592	1 168
1997	1 381	1 002
1998	1 472	918

291. Not all eviction judgements are enforced which is why the actual number of persons evicted is smaller than the number of claims approved.

(v) Housing expenses

292. No rules or recommendations have been issued on the basis of which to measure whether housing expenses correspond to available income, nor is there any set upper limit for housing expenses. The housing allowance is meant to level off the housing expenses of low-income households. The allowance is means-tested and its purpose is to secure a reasonable standard of housing for those with limited means.

(vi) Persons waiting for accommodation

293. In November 1998, approximately 106,000 persons were registered on waiting lists for social rental accommodation owned by municipalities or non-profit societies. During 1998, social rental housing was applied for by a total of 210,000 persons, of whom 35 per cent found a dwelling for themselves. The average waiting time was four months. Since the number of single applicants is much bigger than the number of available small units, the waiting time for small housing units is longer than the average. Lack of rental housing units is the most critical in the growth centres, particularly in the metropolitan area.

(vii) Types of housing

Table 3. The number of different types of housing in 1996

Social rental housing	14.0%	Fmk 0.349 million
Private rental housing	15.2%	Fmk 0.364 million
Owner-occupied	61.3%	Fmk 1.464 million
Other types of housing	8.9%	Fmk 0.213 million

3. (c) Legislation

(i) The right to housing

294. Based on section 15a of the Constitution Act of Finland, the public authorities are required to promote the right to housing. The provision does not secure this right as a subjective entitlement. Furthermore, no specific quality requirements have been set for the standard of housing. The Housing Conditions Improvement Act guides the actions of the public authorities but does not confer individual rights as such. Several systems have been created to contribute to more moderate housing expenses, based, e.g., on tax concessions, promotion of the building of houses, and direct partial compensation of housing expenses from public funds.

(ii) Specific legislation

295. Reference is made to the previous paragraph.

(iii) Legislation on land use

296. In Finland, every population group has an equal title to land. Only the title to real-property ownership in Finland by persons living abroad can be restricted in certain cases under the Act on the Surveillance of Non-Residents' and Foreign Organizations' Acquistions of Real Property in Finland (1613/1992). The Land Law Code has been amended and the new Code (540/95), effective as of 1 January 1997, includes provisions on title to real property and registration of ownership. A new Land Use

and Building Act becomes effective at the beginning of the year 2000, widening the scope of community and citizen participation in land use and zoning.

(iv) The rights of tenants

297. Reference is made to the previous report. The following supplementary information is provided.

298. The Tenancy Act sets out the notice period and the grounds on which tenants and landlords are entitled to give notice on a tenancy, concluded on either a continuous or fixed-term basis. Rent control ceased to be valid in Finland on 1 May 1995 in all non-subsidized tenancy relationships.

(v) Legislation pertaining to building

299. A new Land Use and Building Act has been enforced which promotes sustainable community development and construction. The act allows citizens more latitude in finding ways to participate in the planning and implementation of construction projects and encourages open exchange of information on matters relating to community planning.

(vi) Discrimination in the housing sector

300. In the housing administration, prohibition of discrimination is not provided by law. The prohibition of all forms of discrimination recorded in the fundamental rights provisions naturally covers all areas which are closely related to man's basic needs. As private landlords are free to choose their tenants, situations may arise when a person who is looking for housing feels that he/she is being discriminated against, e.g., on account of his/her ethnic background.

301. The housing situation has recently deteriorated due to the fact that migratory movements have increased and moderately priced rented and owner-occupied housing in growth centres is in short supply. Therefore, it has become increasingly difficult for minority groups, such as the Romanies, in particular, to find accommodation even in municipal rented dwellings.

302. Based on a study made at the Ministry of the Environment in September 1996, the majority of Romanies live in municipal or non-profit rented accommodation. It is very difficult for Romanies to find housing on the open market. Data from January-September 1995 indicate that one in three of Romanies seeking housing was in an acute need of accommodation, having for instance moved to a new area and therefore having nowhere to live.

303. The Ministry of the Environment has, on the initiative of the Advisory Board for Romani Affairs, sent a circular to municipalities, asking them to pay attention to the housing needs of special population groups.

(vii) Legislation prohibiting any form of eviction

304. In Finland, eviction is defined to be a measure which terminates the illegal occupancy of accommodation. All cases of eviction are submitted for consideration by a court which also issues eviction orders.

(viii) Legislation restricting speculation on housing or property

305. A legislative amendment concerning the distribution of profits in connection with non-profit housing construction will be effective as of the beginning of the year 2000, restricting the use of State-subsidized housing.

(ix) Illegal accommodation

306. Illegal accommodation and a related illegal sector do not exist in Finland.

3. (d) Other measures

(i) Government support to housing services provided by community-based organizations

307. Both the Government and municipalities support organizations which build houses and provide housing services.

(ii) Government contribution to new housing units and provision of rented housing

Table 4. Housing production and renovation (number of housing units), 1996-1999

	1996	1997	1998	1999
Started units	24 000	30 000	30 000	31 500
State-subsidized	19 187	20 346	12 500	10 000
Non-subsidized	4 700	10 000	17 500	21 500
State-subsidized renovation	23 162	24 248	9 300	5 900

Note: The figures for 1999 are estimates. State-subsidized house construction refers to social housing, in the first place, and the major part of State-subsidized renovation also concerns social housing.

(iii) Financial measures taken by the Government

Table 5. State expenditure on housing allowances and other housing subsidies in 1997

	Fmk million
Housing allowances (general, students', pensioners')	3 905
State-subsidized housing loans	2 000
State-subsidized interest on housing loans	731
Direct grants	468
Tax exemption on housing loans	2 300
Total	Fmk 404 million

308. Housing subsidies represented 1.5 per cent of GDP in 1997, amounting to a total of Fmk 622.1 billion.

Table 6. Housing subsidies and the powers conferred on the State Housing Fund, 1996-1999

	1996	1997	1998	1999
Housing subsides				
General housing allowance	2 250	2 120	2 300	2 470
Pensioners' housing allowance	1 112	1 161	1 185	1 280
Students' housing grant	604	622	674	660
Tax exemption on housing loan interests	2 300	2 300	2 200	2 300
The State Housing Fund's powers				
To grant state housing loans	4 185	6 419	4 000	3 900
To approve interest-subsidized loans	4 144	4 872	3 500	3 000
Bonus interest for home savers (ASP)	154	94	170	100
Other interest subsides	71	40	5	3
Repair grants	530	450	340	190
Grants for rented housing	21	10	23	23
Grants for the homeless and refugees	7	8	8	15

Note: The share of the State Housing Fund is not included because it is paid from a separate fund.

(iv) Eviction

309. Based on section 12 of the Constitution Act of Finland, everyone's property is secured. Eviction for reasons of general need and against full remuneration must be enacted by law. Provisions on eviction from property in the name of general need are included, for example, in the Act on the Redemption of Immovable Property and Special Rights, issued in 1977. The evicted owner of such property is entitled to full remuneration, which covers both the current value of the property, harm caused and compensation for damage.

3. (e) Negative trends in the housing market

400. In the 1990s, the housing and rental markets have received less public support and prices have been deregulated to be established on market terms. Rent control was abolished on 1 May 1995 in respect of all non-subsidized tenancies. Tenancies based on state-subsidized housing loans are still subject to rent control. Rents have been rising throughout the 1990s and from 1996 to 1998 they have gone up considerably faster than before.

401. It has become increasingly difficult to find a low-cost rental housing. Especially in the metropolitan area, the number of applications has grown but the level of housing costs providing entitlement to a housing allowance has not followed the rising level of rents.

402. Since 1995, the value of owner-occupied houses and flats has risen rapidly. In the metropolitan area, prices have risen at an annual rate of over 10 per cent. In other parts of the country, price rises have been somewhat more moderate.

4. Specific difficulties in guaranteeing basic livelihood

403. Due to the recent period of depression, budgetary cuts have continued to be necessary during the present reporting period. Certain benefits have been affected which, in Finland, are normally considered to be fundamental benefits.

5. International assistance

404. Since 1996, Finland has participated actively in the distribution of foodstuffs, financed by the EC, to those with the most limited means. Finland received an allowance of Fmk 7,157,800 in 1999 (in 1996 the allowance was Fmk 13,135,400). The Ministry of Agriculture and Forestry is in charge of the project. The allowance is used to buy food for those in need, to be delivered through assistance organizations (16 different organizations in 1998) and through parishes.

405. Since minimum livelihood is, as a rule, well secured in Finland, the distribution of food packages to the poor has aroused much attention, and arguments have been raised about whether there is any real need for such assistance. However, the organizations involved in the process have regarded it as very significant, especially in areas hit by mass unemployment. The Ministry of Agriculture and Forestry has informed the Commission that Finland is willing to participate in the project again in the year 2000.

Article 12

1. Health of the population

406. Reference is made to the third follow-up report on the WHO programme "Health for all by the year 2000" and its appendices, submitted by Finland (Progress Towards Health for All – Finland and separate appendices).

407. In recent years, the major widespread diseases in Finland have included circulatory diseases, cancer, musculoskeletal diseases and mental health disorders. Today's common diseases also include allergies, chronic lung diseases and diabetes.

408. The major diseases of the circulatory system in Finland include coronary disease, cardiac insufficiency and cerebral apoplexy. One fifth of all Finns aged over 30 suffer from such high blood pressure that medication or other forms of therapy are indicated. Coronary disease became more common among the Finns, especially men, in the 1950s and 1960s. Since the early 1970s, coronary disease, mortality as well as the incidence of the disease, has taken a clearly downward turn. About 14,000 persons die of coronary disease every year and over 150,000 persons are entitled to special reimbursement for related medication. Mortality has decreased by 20 per cent in two decades. High blood pressure is most frequent in eastern and northern Finland even if the disparities have become smaller over the past few years. In the middle-aged population, increased blood pressure is more common among the lower social groups.

409. After cardio- and cerebrovascular diseases, cancer is the most frequent cause of death in Finland. Every year about 19,000 persons develop and some 10,000 die of cancer. Cancer among women has increased. The incidence of breast and uterine cancers has grown constantly and lung cancer has become more common among women (but it is still far less frequent than among men). Women's gastric and cervical cancers are not as common as before. Both sexes have shown an increased incidence of cancer of the large intestine and of melanoma. Men's lung and gastric cancers have decreased while prostate cancer morbidity has increased.

410. It is estimated that 150 000 Finns have diabetes and over 11,000 persons are entitled to special insurance refunds for their diabetes medication. Over 20,000 diabetics suffer from insulin deficiency. The incidence of insulin deficiency diabetes manifested in childhood has clearly increased markedly in Finland during the past four decades.

411. Musculoskeletal diseases are the most frequent paincausing diseases in Finland and they also cause the most absence from work. Allergies and asthma are among the fastest increasing widespread diseases. About 5 per cent of the population suffer from asthma, and about 10 per cent have periodic asthmatic symptoms. Almost one fifth of the population suffers from atopic skin problems at some point of their lives.

412. During the 10-year period from 1987 to 1996, mental disorders have become increasingly common among people of working age. Based on data relying on perceived health, one in 10 report of mental health disorders. Women report mental disorders more often than men. Women also suffer more from overexertion, depression and fatigue. Evaluated clinically, such disorders are more frequent than is evident from the above-mentioned data. Approximately 20 per cent of the adult population have mental health problems. Psychotic disorders account for 2 per cent and neuroses for about 13 per cent of the cases. The disorders become more frequent towards the early retirement age and grow less frequent among the elderly. Disability related to mental health disorders has become more frequent since the 1970s and, today, various illnesses connected with mental disorders form the most common group of diseases causing disability. In Finland, suicides constitute a significant cause of premature death, especially among young men. The relative and absolute frequency of suicides continued to grow from 1940 until 1990, after which a slightly decreasing trend has been noted.

413. About 300 persons out of 100,000 in employment suffer from some occupational disease (about 7,000 cases per year). Occupational diseases continued to grow throughout the 1980s, but the trend has taken a slowly downward turn since 1990.

414. Oral health has improved since the 1970s, particularly among children and adolescents. The incidence of dental caries has decreased. Today a 12-year-old Finnish child has approximately 1.2 teeth with cavities or fillings, whereas the corresponding figure 20 years ago was 6.9.

415. The number of those with no teeth has significantly decreased. Both dental caries, diseases of the gingival tissue and total loss of teeth are more frequent among the low-income groups and those with less education.

416. Since the year 1960, smoking among the male population has declined. The number of women smoking was on the increase until the early 1970s, remaining stable until the middle of the 1980s when it increased again. Today, 29 per cent of men and 19 per cent of women aged between 15 and 64 smoke. Well-educated men smoke noticeably less than men with shorter training. Smoking among women with less education has increased.

417. Alcohol consumption started to rise towards the end of the 1980s but, after a peak in 1990, has begun to decrease. In 1994, the average Finnish per capita alcohol consumption rose to 6.6 litres. The tenth of the drinking population that drinks most heavily consumes over half of all alcohol. Men tend to drink most of the alcohol, but women's share of the total consumption has slowly grown to almost one fourth.

418. Finns are today more satisfied with their sexual life than they use to be. About 80 per cent of women aged 18 to 44 use some contraceptive method. The pill is the most common contraceptive. The number of abortions has continued to decrease, most markedly among the youngest age groups. In 1973, over 23,000 abortions were performed; the corresponding number in 1994 was 10,000. Abortions are most often performed on social grounds.

419. Information about perceived functional capacity and health can be regarded to be a general indicator of public health. According to a study based on self-reported accounts of chronic ailments, chronic morbidity has increased during the period from 1987 to 1995/96 from 41 per cent to 49 per cent. The highest age-specific proportion was found among those aged over 75 (90 per cent of the respondents in 1995/96). Chronic morbidity increased among children in both absolute and relative terms, from 12 per cent in 1987 to nearly 22 per cent in 1995/1996.

2. National health policy

420. Reference is made to Finland's third follow-up report on the WHO programme "Health for all by the year 2000"and its appendices.

Table 1. Health insurance refunds in 1998

	Co-payment (Fmk)	Refund of the excess (%)	Average refund (%)
Medicines			
Basic refund	50	50	40.0
Special refund	25	75	70.2
Special refund	25	100	96.1
Doctor's fees		60*	38.2
Dentist's fees		60/75/100*	48.9
Examination and treatment	70	75*	43.1
Transport	45	100	85.8

* Refunds are calculated on the basis of fees determined according to fixed charge criteria

3. Percentage of GDP and of the national budget spent on health

421. Reference is made to article 9, tables 2 and 3 above, which show the percentage of GDP spent on health care in the period 1995-1998 and financing in 1995. The estimated percentage of GDP spent on health in 1998 is 7.4 per cent.

4. (a) Infant mortality rate

422. The latest statistical information on the infant mortality rate is based on data from 1996 when perinatal mortality was 5.0 per births and infant mortality 3.9 per 1,000 births. Compared with earlier figures, a constantly decreasing trend is evident. The statistics do not break down the information by sex nor have comparative studies been made providing information on the situation in urban and rural areas. Neither is statistical information available on the distribution of figures according to socio-economic and geographical categories. The Ministry of Social Affairs and Health considers that these aspects would not make any marked difference in the infant mortality rates.

4. (d) Infant immunization

423. Infant immunization is very comprehensive in Finland and no changes have taken place. The coverage and the diseases against which children are vaccinated are shown in the table below, compiled by the National Public Health Institute. The immunization coverage refers to children aged under 2. The younger the children studied for this purpose are, the more comprehensive is the vaccination.

Table 1. Immunization coverage of children aged under 2, 1998

Tuberculosis	99.5% were covered (newborn)
Pertussis, difteria and tetanus	98.2% were covered (2-year-olds)
Poliomyelitis	98% were covered (2-year-olds)
Morbilli, parotitis, rubella (measles)	98.4% were covered (1.5-year-olds)

424. In Finland, differences do not exist based on sex or place of residence (urban/rural).

4. (e) Average life expectancy

425. Since the 1940s, the mortality rate has been diminishing in Finland and life expectancy has risen. We still have some regional disparities in mortality. The mortality rate is high in eastern and northern Finland and the differences are more marked in the mortality of men (cardiac diseases, cancer and accidents). Lower life expectancy is more likely among the less educated. It is estimated that men's life expectancy will be about 74 (now 72.8) years and women's almost 81 (now 80.2) years by the first decade of the new millennium.

4. (g) Pregnancy and childbirth

426. All women in Finland have access to counselling and care before childbirth, during delivery and afterwards. Finnish maternity clinics, maternity outpatient clinics and maternity hospitals employ only qualified personnel. Maternal mortality rates are low in Finland.

4. (h) Infant care

427. In 1997, a total of 49,500 persons were employed in child care. The number of those with a health-care degree is not known. In 1997, 25,200 persons with a health-care degree were employed in non-institutional basic health care and 61,500 in special bed-patient wards.

5. (e) Health services

428. The national recommendation on maternity welfare, given in Finland in 1995, is being updated. The Public Health Act obliges each municipality to provide a maternity clinic and a child health care clinic in its area. These health care clinics guarantee that women, while pregnant and during childbirth, as well as small children, have equal access to services, irrespective of their municipality of residence, socio-economic status or other related factors.

429. Legislative provisions have been enacted providing that maternity welfare services may only be given by qualified staff, both in maternity clinics operating in conjunction with the basic health care system and in special clinics.

5. (h) Development of health care services

430. In 1997, a development project concerning health care services was launched by the Ministry of Social Affairs and Health together with the Association of Finnish Municipalities. The idea was to find any drawbacks and defects in the position of the patient and in the effectiveness of health services, as well as to find appropriate solutions. A detailed analysis was made of the situation at the national level and the results were published in reports called "Asiakkaan asema terveydenhuollossa" and "Terveydenhuollon toimivuus" ("The patient's position in the health care service" and "Effectiveness of health services").

431. Based on the analysis, the project's steering group laid down a national programme of action "Terveydenhuolto 2000-luvulle" ("Health services towards the 21st century"), with details of the measures required and specification of the responsible parties. According to the programme of action, the patient's position should be strengthened, preventive care developed, access to health care and effectiveness of health services improved, quality control and health services based on research enhanced, professional skills maintained and health care financing secured. Five regional cooperation groups were set up by the Ministry in 1998 to prepare a programme of action for the respective regions and to take care of the implementation of the programme. At the local and regional levels, the municipalities, health care districts and health care centres are responsible for the development of health care services. The implementation phase of the projects will last until the end of 2001. The results will be assessed during the first half of the year 2002.

8. Training of health care professionals

432. To be able to practise a trade in the field of health care in Finland, a qualification from a relevant institution is required, as provided in EU directives. Unqualified personnel are very rare in Finnish health care. Based on the Act on Health Care Professionals, an employee is under the obligation to maintain and develop his/her professional skills. The employer is responsible for creating the preconditions for such activities.

433. Short-term supplementary training is significant also in that it helps to maintain the capacity for work. In connection with the "Terveydenhuolto 2000-luvulle" programme, which will continue until the end of 2001, an assessment of the regional needs for further training and plans for provision of training will be made, to be carried out in cooperation by training units and operational units in the respective regions. Training institutions and parties representing the employers have also engaged in joint development projects in an effort to encourage health care professionals to update their skills and upgrade their working practices.

Article 13

434. In connection with the fundamental rights reform, the provisions governing instruction and education were brought together in section 13 of the Constitution Act of Finland. The government proposal to that effect was discussed under the corresponding article in the previous report. The provisions are recorded in section 16 of the Constitution of Finland.

435. During the present decade, legislation relating to educational services has undergone fundamental reform which covers all stages of education from pre-school education to post-secondary education. The reform was completed on 1 January 1999 when the Act on Basic Education (628/1998), the Act on Upper Secondary Schools (629/1998), the Act on Vocational Education (630/1998), the Act on Vocational Adult Education (631/1998), the Act on Liberal Adult Education (632/1998) and the Act on Basic Arts Education (633/1998) became effective. Acts on the Administration of State and Private Education and the Financing of Educational and Cultural Services took effect at the same time. The University Act (645/1997) and the Act on the Implementation of the University Act (646/1997) became effective on 1 August 1997.

436. The primary objective of the reform was to streamline the legislation pertaining to educational services and to streamline the various acts under fewer titles. A comprehensive review of the legislation was made, giving priority to such issues as are essential from the point of view of the effectiveness of education and require national standards. The aim was, on the one hand, to transfer responsibility from the Government to municipalities and other providers of education and, on the other, to offer schoolchildren and students a wider latitude, in deciding where to study and what courses to choose. Another objective was to secure a better standard of education and to clarify the objectives set. No significant changes have been made to the educational system itself which was described in the second periodic report (E/1990/7/Add.1) and the additional report.

1. (a) Education free of charge

437. The Basic Education Act stipulates that education shall be provided free of charge, as is referred to in section 13 of the Constitution Act of Finland. Municipalities are obliged to provide basic education, as well as materials and tools, free of charge to all children of compulsory education age in their area. One healthy meal is served every day free of charge to those attending school. In cases where the journey to school is longer than five kilometres or, considering the age and circumstances of the pupil, too tiring, free transport to school must be arranged. Disabled children are entitled to have an attendant and such school aids as they need to be able to attend school, without any extra cost to themselves.

438. The budgetary framework for the different administrative branches, covering the period 1997-1999, was laid down by the Government in 1996 when the various cuts required in the post-depression phase were still being executed to the full. The principal financial objective was to halt the growth of the GDP percentage in the State debt, which also showed in a restrained attitude as discretionary expenses were determined. The stringent economic situation has continued to affect educational policy even during the past few years, leading, among other things, to cuts in State subsidies to municipalities. In order to manage, several municipalities have laid off their teachers to reduce costs arising from educational services. In 1997, a total of 47 municipalities laid off teachers for a period of a few days to four weeks. Many quarters have criticized the lay-off policy because it may have endangered the realization of pupils' fundamental rights. The new legislation, effective as of 1999, imposes restrictions on lay-offs. Only a few municipalities have announced they they will lay off teachers in 1999.

439. An amendment to the Act on the Financing of Educational and Library Services, issued on 15 May 1997, reduced the municipalities' share in the financing of the operating costs of educational and

library services. State subsidies towards the operating costs of educational and library services amounted to Fmk 4,719,000 in 1997; Fmk 3,735,000 was granted to federations of municipalities and Fmk 2,074,000 to private associations.

1. (b) Secondary education free of charge

440. The Act on Upper Secondary Schools (629/1998) makes provision for further education based on the basic education syllabus system. Like basic education, upper secondary school education is free of charge. Students are free to apply for entry to an upper secondary school of their choice. After the completion of the upper secondary school, a person is eligible for studies at a university, polytechnic or other vocational school.

441. The Act on Vocational Education (630/1998) makes provision for basic vocational education for young persons and adults and on the relevant degrees. Applicants are free to choose the line of vocational studies they want. As at the basic education level, education is free of charge. Full-time students are entitled to a free meal once a day. Furthermore, institutionally-owned student accommodation is free. In connection with the basic degree studies, activities which are closely related to the courses can be arranged. Disabled students can be provided with preparatory courses and rehabilitation and counselling.

1. (c) Higher education free of charge

442. The scope of application of the University Act (645/1997) comprises 20 universities and institutions of higher education, named in the act. Instruction is free of charge for students reading for an academic degree. The scope of application of the Act on Polytechnics (255/1995) involves 31 polytechnics. Education leading to a qualification in a polytechnic is free of charge.

1. (d) Supportive measures relating to free basic education

443. In accordance with the Basic Education Act, a pupil with minor learning disabilities or difficulties of adjustment is entitled to special education outside of normal class hours. In the school year 1994-95, special education was given to 16 per cent of all pupils in comprehensive schools (94,000 pupils). The majority of them (12.5%) received special education in some subjects and only 3.5 per cent were taught in full-time special education rooms.

444. Some municipalities offer comprehensive school leavers the chance to attend an extra tenth grade. In 1996, about 2,600 pupils attended the extra grade.

445. In accordance with the Act on Vocational Education, special education is provided for students who require teaching or student welfare services due to a disability, an illness, retarded development, mental disorder or for some other reason. In 1995, some 3,400 students in vocational institutions received special education, that is, 7 per cent of all students in vocational institutions. A student who finds that studying in a vocational institution is difficult can also complete his/her studies by attending a vocational workshop.

446. The Ministry of Education and the National Board of Education have launched a development project focusing on special education, to be continued until the year 2000.

2. Goals of education

447. In Finland, the opportunities for life-long self-enhancement are, in principle, available for everyone willing to choose a training for him/herself, as is described in the second periodic report (E 1990/7/Add.1) and the supplementary report, submitted by Finland. The objectives of education have been discussed in the second periodic report on the rights of the child (art. 29).

448. The civic skills and information literacy required in the information society, as well as life-long learning, have been promoted, e.g., by means of the Finland into an Information Society programme, which the Ministry of Education has sponsored in the amount of approximately Fmk 15 million per year in the period 1996-1999. Thanks to this financial support, museums and libraries have been able to digitize their collections, libraries have become networked and virtual libraries have been developed. About 70 per cent of Finnish libraries belong to a regional library network and, at the end of 1998, 90 per cent of libraries had Internet facilities.

449. In most towns in Finland, public libraries are also used as school libraries. As new teaching methods, based on self-directed and independent search for information, have become increasingly common over the past few years, and the amount of unorganized information has expanded following the introduction of global networks, cooperation between schools and libraries has become much closer than before. Based on the findings of a survey conducted in the 1990s by the International Association for Evaluation of Educational Achievement in more than 30 countries, Finnish children and youth are ranked as "the best readers in the world". In international contexts, the written culture and the proximity of a library and a bookshop were noted to be the priority factors contributing to literacy and understanding of written information.

3. Statistical information related to educational services

450. Reference is made to Education in Finland in 1999, a publication of Statistics Finland (appendix 40).

4. Educational appropriations

451. In the State budget for 1996-1998, Fmk 26 billion on average has been allocated to the Ministry of Education (see section 1(a)).

452. Appropriations channelled to building projects in the administrative branch of the Ministry of Education totalled Fmk 1,298,600 in 1997, of which additional financing for the renovation of public buildings, initiated by the Government in 1996, represented Fmk 281 million. In 1998, a total of Fmk 984.2 million was earmarked for building projects.

5. (a) Men's and women's participation in education

453. Based on information from the year 1997 provided by Statistics Finland, 48.8 per cent of pupils in comprehensive schools, 57.8 per cent of students in upper secondary schools, and 53.2 per cent of students in vocational education are girls. Just over half of students in polytechnics (53.2 per cent) and in universities (52.3%) are women.

5. (c-d) Measures relating to equality, linguistic equality

454. In accordance with the Basic Education Act, instruction is given in either of the two official languages of Finland, Finnish or Swedish. Teaching may also take place in the Sami, Romani or sign languages. Class hours can also be arranged in a language which is not the pupils' mother tongue, if this is not deemed to endanger their chances of following instruction. Separate groups or schools may be established where teaching is given mainly or entirely in some language other than the pupils' mother tongue. Municipalities can use their discretion as to the provision of instruction in some other languages than Finnish and Swedish or, in Sami in the Sami Homeland.

455. In accordance with the Act on Basic Education and the Act on Upper Secondary Schools, Finnish, Swedish and Sami can be taught as the pupils' mother tongue. The Romani language, sign language, or some other language which a pupil speaks as his/her mother tongue can also be taught as a mother tongue.

456. In 1997, the titles of counsellor in the Romani culture and specialist counsellor in the Romani culture were added among the qualifications, adopted by the Ministry of Education, referred to in the Act on Vocational Qualifications.

457. Immigrant children of statutory school age or pre-school age can be given preparatory education provided that certain preconditions are met. The Act on Basic Education (628/1998), makes provision for the equivalent of one school term's instruction for immigrants, prior to their integration into basic education. Based on a decision made by the Ministry of Education on preparatory education for immigrants, such education has been given, as of the beginning of 1997, to all immigrant children of comprehensive school age and those aged six. Refugees and asylum-seekers have been given preparatory instruction even earlier than that. Preparatory instruction aims at facilitating the integration of immigrants into Finnish society and providing them with the capacity to move to classes where basic education is given in Finnish or Swedish. In addition, immigrants are encouraged to use and develop their skills in their mother tongue. Preparatory instruction covers at least 20, and at the most 40 credit weeks. Remedial teaching can be provided to support the learning process.

458. In accordance with the Vocational Education Decree (811/1998), foundation courses preparing immigrants for basic vocational education aim at providing students with the linguistic and other skills which they need to be able to start studies at a vocational institution.

459. Based on a decision (248/1995) made by the Ministry of Education, remedial training and instruction in the pupils' or students' mother tongue can be given to facilitate the school attendance of returning migrants and immigrant pupils and students in comprehensive schools, upper secondary schools and upper secondary schools for adults; State subsidies can also be obtained.

460. During the spring and autumn terms of 1997, a total of 7,893 foreigners in comprehensive schools and upper secondary schools attended courses in their mother tongue; 52 languages were involved.

Article 15

461. Section 14, paragraphs 2 and 3 of the Constitution Act (section 17 in the new Constitution Act) sets out different groups' cultural rights. The position of the disabled has been taken into account in the said section by, for example, considering sign language as a linguistic system equal to the spoken languages. Section 13, paragraph 3, of the Constitution Act safeguards the freedom of scientific, arts and higher education (section 16 in the new Constitution Act). The legislative reform concerning educational services, completed during the reporting period, has been discussed under article 13 above.

1. Participation in cultural life

1. (a-c) Culture, libraries, arts

462. National cultural institutes and arts committees operate subject to the Ministry of Education. Municipal activities relating to culture, libraries, museums, dramatic arts and orchestras, as well as building projects in the field of culture, are supported by the State both in the form of statutory and discretionary subsidies. Arts and culture are promoted by annual awards and grants to artists. International cultural exchanges are also supported.

463. In 1996, a total of 2.6 million tickets were sold to dramatic art performances and 1.2 million to concerts; 3.9 million persons visited a museum in 1996.

464. Youth culture has been encouraged by sponsoring national arts events for youth and related events at the regional level, as well as youth groups' international cultural exchange. Child and youth culture is supported by means of subsidizing different branches of the arts and encouraging the development of joint projects between schools and various cultural quarters.

465. Due to the depression, municipalities have a smaller amount of money available for cultural activities. The appropriations are likely to remain small even in 1999 because municipalities still need to economize. However, grants are given to associations and groups to be spent on broad-based local cultural activities, and basic arts education for children and young persons, statutory since 1992, is being continued.

466. A special project focusing on culture and creativity, called Kenni, was carried out by the Ministry of Education in 1995-1997. About 200 subprojects were launched resulting in, for example, a media workshop, Internet-databases for culture fans, a human rights fair, handicraft courses, cultural heritage and museum activities, music and visual arts activities and film education, theatre events, cultural events in schools and virtual library services.

467. At the start of 1999, a new Library Act took effect. The amended act is intended to guarantee all citizens equal access to modern and high-quality library services, irrespective of their place of residence and financial resources. Since Finland has a well-functioning network of libraries even after many have been closed, it is still possible for municipalities facing the need to economize to restrict the operation of libraries without jeopardizing the quality of service. The Ministry of Education gives high priority to the neighbourhood libraries as an institution which serves all age groups.

468. In terms of international comparison, library lending rates are very high in Finland: 20 loans per citizen a year. During the recession, appropriations for new purchases were cut by 27 per cent but the number of items borrowed still rose by 30 per cent and the usage capacity increased by 31 per cent. It is alarming that children and adolescents borrowed 25 per cent less than earlier. Library closures and reduced appropriations have had certain effects on this phenomenon, since libraries must compete with the new media and with other interests and hobbies.

1. (d) Minorities, multiculturalism

469. Cultural activities among the Swedish-speaking minority (about 6%) are versatile and full of vitality. Similar criteria are applied to public support granted to their cultural organizations and associations as to their Finnish-speaking counterparts. The Library Act provides that both language groups' needs must be given equal treatment in bilingual municipalities. In the Sami Homeland, municipalities have to give equal treatment to the Sami (0.03% of the population) and the Finnish population.

470. The Ministry of Education supports ethnic and linguistic minorities, groups representing immigrants, and non-governmental activities against racism. The purpose of the assistance policy is to contribute to more favourable attitudes among the original populations towards minority cultures and, at the same time, to help the minority groups adjust to Finnish society and enjoy increasingly easy access to the public cultural services and support services.

471. In conjunction with the fundamental rights reform, the Act and Decree on the Research Institute for the Languages of Finland was amended in 1996 to provide also for research and development of the Finnish sign language and the Romany language. The Institute used to deal only with issues to do with Finnish and Swedish, the cognate languages of Finnish and the Sami language. The Institute bases its statements on

specialist opinions received from the Finnish, Swedish and Sami Language Boards and the Sign Language and Romany Language Boards.

472. The Advisory Board for Romani Affairs considers that the reform has not so far led to any desired concrete results. It is not possible to study the Romani language or do research in the language at university level. The Advisory Board has also proposed the establishment of a museum to exhibit Romani culture and history.

1. (g) Copyright

473. Organizations representing different arts supervise copyrights, and related legislation has been amended to correspond to the EU directives and to comply with the provisions of the WIPO agreements. The so-called library allowances, awarded to individual authors in the form of grants, represent about 10 per cent of the annual procurement appropriation.

2. (a-b) Political objectives in the scientific field

474. The most important political objectives in the area of science set by the Ministry of Education in 1997, included more effective researcher education, development of researcher careers, improved operational conditions for the best research units and, in general, an emphasis on high quality, internationalization of research and increasing contacts between research institutes and business from the point of view of the national innovation system.

475. Based on a government decision, financing of research has been increased by means of a programme which aims at enhanced operation of the national innovation system to the benefit of the economy, business enterprises and employment. The programme was launched in connection with the first supplementary budget proposal in 1997.

6. International cooperation

476. The Academy of Finland conducted a general review of the state and standard of Finnish science in 1997. Based on this review, Finnish research is of a high standard in terms of international comparison. The work of units and research groups in many fields, such as physics, mathematics, space research, molecular biology, biotechnology, genetics, cellular biology and ecology, is very high by international standards.

477. Participation in joint projects in Europe and in research programmes within the EU have contributed to internationalization.

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Appendix 32	The Ministry of Social Affairs and Health publication: Trends in Social Protection 1998-1999
Appendix 33	The Social Insurance Institution; A Guide To Benefits
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Appendix 36	Report on ILO Convention No. 138
Appendix 37	Heiskanen Markku, Piispa Minna. Justice 1998:20 Faith, Hope, Battering. A Survey of Men's Violence against Women in Finland
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